

# City of East Bethel

## City Council Agenda

Regular Council Meeting – 7:30 p.m.  
Date: December 1, 2010



### Item

7:30 PM **1.0 Call to Order**

7:31 PM **2.0 Pledge of Allegiance**

7:32 PM **3.0 Adopt Agenda**

7:34 PM **4.0 Public Forum**

7:44 PM **5.0 2011 Budget Hearing**

Page 1-2

7:54 PM **6.0 Consent Agenda**

*Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration*

Page 7-10 A. Approve Bills

Page 11-25 B. Meeting Minutes, November 17, 2010 Regular Meeting

Page 26-30 C. 2011 GIS Contract

Page 31-35 D. Res. 2010-72 Setting 2011 Fee Schedule

E. Cedar Creek Pavilion Rules

F. Appointment of On-Call Seasonal Snowplow Drivers

Page 36-37 G. Res. 2010-73 2010 Budget Amendments

Page 38 H. Res 2010-74 Inter-fund Loan Cost of Issuance

### New Business

#### **7.0 Commission, Association and Task Force Reports**

8:00 PM A. Planning Commission

Page 39-47 1. Interim Use Permit (IUP) Request for a Place of Worship in the City Center (CC) Zoning District for Our Saviour's Lutheran Church at 1562 and 1644 Viking Blvd NE

Page 48-64 2. Ordinance 28. Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code

B. Park Commission (**No Report**)

C. Road Commission (**No Report**)

#### **8.0 Department Reports**

A. Engineer (**No Report**)

B. Attorney (**No Report**)

8:20 PM C. Finance

Page 65-71 1. Resolution 2010-75 Approving Final Budgets for General Fund, Debt Service Funds, Special Revenue Funds, Capital Project Funds and Proprietary Funds for 2011

Page 72-74 2. Resolution 2010-76 Setting the Final Property Tax Levies for 2011

Page 75-77 3. HRA Budget and Tax Levy

8:40 PM D. Public Works

- Page 78-81 1. Resolution 2010-77 Awarding Construction Contract for Well Construction
- Page 82-85 2. Resolution 2010-78 Awarding Construction Contract for Water Tower Construction
- Page 86-90 3. Resolution 2010-79 Rejecting All Bids for Water Treatment Facility, Directing Plan Revisions and Directing Advertising
- 9:15 PM E. Planning and Inspection/Code Enforcement (**No Report**)  
F. Fire Department (**No Report**)  
G. City Administrator
- Page 91-100 1. Employment Agreements
- Page 101-104 2. NSAC Video Streaming Agreement

**9.0 Other**

- 9:35 PM A. Council Reports
- 9:45 PM B. Other

9:50 PM **10.0 Adjourn**



# City of East Bethel City Council Agenda Information

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**Date:**

December 1, 2010

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**Agenda Item Number:**

Item 5.0

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**Agenda Item:**

2011 Budget Hearing

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**Requested Action:**

Consider input from residents regarding the 2011 Budget

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**Background Information:**

Over the past decade, the State has required the cities to conduct a “Truth-in-Taxation” (TNT) hearing whereat residents are offered the opportunity to provide input to City Council on proposed budgets and tax levies. As part of the 2009 law changes, the requirement for the TNT hearing was eliminated. In its place, the State now requires that each City announce the date, time and place of the meeting whereat residents can provide City Council feedback on proposed budgets and tax levies. The date selected must be done at the meeting when the City Council adopts the preliminary budget and levy in September. This meeting date is also listed on the parcel-specific notices for proposed 2011 taxes that the taxpayers received in November from Anoka County.

Council directed that December 1, 2010 as the regular meeting for this opportunity. City Council has afforded a number of occasions during the budget development process to residents for this input and many residents have taken advantage of that opportunity to provide Council feedback.

Later on this agenda, Council will have the opportunity to consider tax levies and budgets for 2011.

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**Fiscal Impact:**

None

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**Recommendation(s):**

Staff is recommending that Council consider input from residents on the 2011 tax levies and 2011 budgets.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



Bills to be Approved for Payment December 1, 2010	\$296,898.16
Electronic Payments	\$28,431.21
Payroll Fire Dept - November 15, 2010	\$12,875.10
Payroll City Council - November 24, 2010	\$1,552.82
Payroll City Staff - November 24, 2010	\$35,807.33
<b>Total to be Approved for Payment December 1, 2010</b>	<b>\$375,564.62</b>

Approved by Council Member:

Steve Voss	Kathy Paavola	Greg Hunter	Steve Channer	Bill Boyer
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# City of East Bethel

December 1, 2010

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	92468	Menards Cambridge	615	49851	81.84
Arena Operations	Concession for Resale	792589	The Watson Co, Inc.	615	49851	463.16
Arena Operations	Gas Utilities	261561678	Xcel Energy	615	49851	844.88
Arena Operations	Professional Services Fees	858	Perform Art	615	49851	1,097.45
Arena Operations	Refuse Removal	1324327	Walters Recycling, Inc.	615	49851	26.88
Arena Operations	Refuse Removal	1324329	Walters Recycling, Inc.	615	49851	149.43
Building Inspection	Telephone	332373310-108	Nextel Communications	101	42410	21.97
Building Inspection	Travel Expenses	111710	Patricia York	101	42410	26.00
Cedar Creek Trail Project	Legal Notices	22261534	Finance and Commerce	402	43124	115.55
Central Services/Supplies	Legal Notices	IQ 01777980	ECM Publishers, Inc.	101	48150	102.50
Central Services/Supplies	Office Supplies	539491227001	Office Depot	101	48150	1.45
Central Services/Supplies	Office Supplies	539491206001	Office Depot	101	48150	16.52
Central Services/Supplies	Office Supplies	540117455001	Office Depot	101	48150	61.45
City Administration	Telephone	2483320258	Verizon Wireless	101	41320	33.05
City Administration	Travel Expenses	112310	Douglas Sell	101	41320	200.00
Cty HRA Grant Utility System	Architect/Engineering Fees	136013	Bolton & Menk, Inc.	228	22800	250,722.00
Cty HRA Grant Utility System	Legal Notices	48835	SGC Horizon LLC	228	22800	1,410.37
Fire Department	Gas Utilities	261561678	Xcel Energy	101	42210	220.02
Fire Department	General Operating Supplies	18641	Alex Air Apparatus, Inc.	101	42210	344.28
Fire Department	Office Supplies	539684486001	Office Depot	101	42210	61.29
Fire Department	Office Supplies	540171497001	Office Depot	101	42210	168.69
Fire Department	Refuse Removal	1324331	Walters Recycling, Inc.	101	42210	36.09
Fire Department	Small Tools and Minor Equip	540171497001	Office Depot	101	42210	76.40
Fire Department	Telephone	332373310-108	Nextel Communications	101	42210	143.08
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470559098	Cintas Corporation #470	101	41940	19.85
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	378646	Nardini	101	41940	122.00
General Govt Buildings/Plant	Gas Utilities	261561678	Xcel Energy	101	41940	82.78
Housing & Redevelopment Autho	Legal Fees	112210	Randall and Goodrich, P.L.C.	230	23000	218.50
Human Resources	Office Supplies	540117455001	Office Depot	101	41810	90.45
Legal	Legal Fees	111610	Everett & Vanderwiel, P.L.L.P.	101	41610	2,958.00
Legal	Legal Fees	112210	Randall and Goodrich, P.L.C.	101	41610	1,352.50
Mayor/City Council	Professional Services Fees	201855	Municipal Code Corp.	101	41110	6,279.34
Park Maintenance	Clothing & Personal Equipment	470552124	Cintas Corporation #470	101	43201	34.17
Park Maintenance	Employer Paid Expenses	111810	Jeremiah Haller	101	43201	250.00
Park Maintenance	Motor Vehicles Parts	1539-428812	O'Reilly Auto Parts	101	43201	-1.09
Park Maintenance	Motor Vehicles Parts	1539-428606	O'Reilly Auto Parts	101	43201	13.36
Park Maintenance	Office Supplies	539662909001	Office Depot	101	43201	14.79
Park Maintenance	Park/Landscaping Materials	84652	River Country Cooperative	101	43201	9.60
Park Maintenance	Professional Services Fees	111610	Plochocki Construction	101	43201	1,125.00
Park Maintenance	Safety Supplies	9383350452	Grainger	101	43201	59.00
Park Maintenance	Small Tools and Minor Equip	91075	Menards Cambridge	101	43201	15.94
Park Maintenance	Telephone	332373310-108	Nextel Communications	101	43201	88.19
Payroll	Insurance		Fort Dearborn Life Insurance	101		7,078.34
Payroll	Insurance Premium	4521745	Delta Dental	101		951.75
Payroll	Insurance Premium	22351377	Medica Health Plans	101		7,161.25
Planning and Zoning	Escrow Charge	5182	Dirtworks, Inc.	913		2,370.00
Planning and Zoning	Escrow Charge	111210	Miller Enterprises of Buffalo	906		3,800.00
Planning and Zoning	Escrow Reimb	110910	Tom and Laurie Weed	916		300.00
Planning and Zoning	Legal Fees	112210	Randall and Goodrich, P.L.C.	921		560.50
Planning and Zoning	Legal Notices	IQ 01777979	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Legal Notices	IQ 01778180	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Telephone	332373310-108	Nextel Communications	101	41910	21.97

# City of East Bethel

December 1, 2010

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Police	General Operating Supplies	96328	J. P. Cooke Company	101	42110	103.05
Recycling Operations	Bldg/Facility Repair Supplies	9387349757	Grainger	226	43235	38.43
Recycling Operations	Bldg/Facility Repair Supplies	91075	Menards Cambridge	226	43235	45.13
Recycling Operations	Bldg/Facility Repair Supplies	15203	St Francis True Value Hdwe	226	43235	15.22
Recycling Operations	Gas Utilities	261561678	Xcel Energy	226	43235	34.54
Recycling Operations	Refuse Removal	1324328	Walters Recycling, Inc.	226	43235	245.33
Recycling Operations	Small Tools and Minor Equip	281920	Ham Lake Hardware	226	43235	43.33
Sewer Operations	Bldgs/Facilities Repair/Maint	2350	North Star Pump Service	602	49451	411.41
Sewer Operations	Legal Fees	112210	Randall and Goodrich, P.L.C.	602	49451	52.25
Sewer Operations	Legal Notices	IQ 01777978	ECM Publishers, Inc.	434	49451	461.25
Street Maintenance	Auto/Misc Licensing Fees/Taxes	111610	MN Pollution Control Agency	101	43220	400.00
Street Maintenance	Bldgs/Facilities Repair/Maint	470552124	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Clothing & Personal Equipment	470552124	Cintas Corporation #470	101	43220	45.74
Street Maintenance	Equipment Parts	2110002	MacQueen Equipment, Inc.	101	43220	122.91
Street Maintenance	Equipment Parts	1539-429184	O'Reilly Auto Parts	101	43220	70.39
Street Maintenance	Gas Utilities	261561678	Xcel Energy	101	43220	32.13
Street Maintenance	Motor Vehicles Parts	457449	Boyer Ford Trucks	101	43220	60.58
Street Maintenance	Office Supplies	539662909001	Office Depot	101	43220	14.79
Street Maintenance	Refuse Removal	1324330	Walters Recycling, Inc.	101	43220	245.33
Street Maintenance	Safety Supplies	9387349757	Grainger	101	43220	99.86
Street Maintenance	Safety Supplies	9383350452	Grainger	101	43220	264.19
Street Maintenance	Small Tools and Minor Equip	540164151001	Office Depot	101	43220	96.18
Street Maintenance	Street Maint Materials	116416	City of St. Paul	101	43220	201.74
Street Maintenance	Telephone	332373310-108	Nextel Communications	101	43220	88.10
Water Utility Capital Projects	Legal Fees	112210	Randall and Goodrich, P.L.C.	433	49405	741.75
Water Utility Capital Projects	Legal Notices	IQ 01778177	ECM Publishers, Inc.	433	49405	492.00
Water Utility Capital Projects	Legal Notices	IQ 01778178	ECM Publishers, Inc.	433	49405	492.00
Water Utility Capital Projects	Legal Notices	IQ 01778179	ECM Publishers, Inc.	433	49405	461.25
						<b>\$296,898.16</b>





# City of East Bethel City Council Agenda Information

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**Date:**

December 1, 2010

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**Agenda Item Number:**

Item 6.0 A-H

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**Agenda Item:**

Consent Agenda

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**Requested Action:**

Consider approving Consent Agenda as presented

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**Background Information:**

Item A

Bills/Claims

Item B

Meeting Minutes, November 17, 2010 Regular City Council

Meeting minutes from the November 17, 2010 Regular City Council Meeting are attached for your review and approval.

Item C

GIS Contract

This agreement with GIS Rangers is for GIS services in 2011. This agreement is for one year. The contract will provide 144 hours of services at \$60.75/hour. The market has remained slow and City Staff feels 144 hours will be a sufficient amount of time to complete the 2011 goals. Once development occurs within the City, GIS hours will need to increase.

In 2011, GIS Rangers will continue adding data layers and updating the GIS system. Data layers include but are not limited to information pertaining to development, parks and trails inventory, environmentally sensitive areas, hydrant and street light locations, and utility locations.

Item D

Resolution 2010-72 Setting 2011 Fee Schedule

This resolution confirms City Council direction from the November 3, 2010 meeting incorporating the additional fees and modified fees as recommended. The new fees will become effective January 1, 2011.

Item E

Cedar Creek Pavilion Rules

The Cedar Creek Pavilion which was completed in May 2010 and is a unique facility that is different from other pavilions in City parks as that is located adjacent to the University of

Minnesota's Cedar Creek Ecosystem and Scientific Reserve (CCESR) and has a fireplace within the structure. These distinctions may require additional rules for use to insure compatibility with uses of CCESR and for the safety of the building.

City Staff has checked with Anoka County and the City's of Forest Lake, Cambridge, Lino Lakes, Shoreview and Blaine to inquire if these municipalities have a pavilion comparable to that at Cedar Creek and found that none of these have a similar facility.

Dr. Jeff Corney, the Director of the Cedar Creek Scientific Reserve and Ecosystem, was contacted regarding his opinion on regulations for the use of the pavilion. Dr. Corney's main concern was that the fireplace use and wood used for fires comply with DNR regulations. Dr. Corney also expressed some reservations about unpermitted use of the fireplace and agreed that some type of screen that could be secured might be a precautionary measure to prevent unapproved use of the fireplace.

With these findings in mind the Parks Commission has approved the following proposal for regulating the use of the fireplace at the Cedar Creek Pavilion for City Council's consideration:

- 1.) Fireplace use in the Cedar Creek Pavilion is prohibited except by permit from the City;
- 2.) The City will supply the wood for any requested fireplace use and the cost of the wood will become part of the permit fee. No other wood is permitted for burning except that provided by the City;
- 3.) No permit will be issued for fireplace use during burning bans or prescribed burns;
- 4.) The Fire Department Duty Officer listed on the permit must be called by the permit holder to verify that the fire has been extinguished.;
- 5.) Permits for use of the fireplace must be picked up the day prior to use unless the reservation day is on a Sunday. If the reservation for a Sunday the permit must be picked up the Friday prior to that date. If weather forecasts project windy conditions the permit may be cancelled at the discretion of the City; and
- 6.) No fires will be permitted after dark.

The Parks Commission approved these stipulations at their November 10, 2010 meeting and recommend that City Council adopt these as a condition to issuing a permit for reservation of this facility.

#### Item F

##### Appointment of On-Call Seasonal Snowplow Drivers

The City Council recently approved the creation of a list of on-call snowplow drivers that the Public Works Manager can use on an as needed basis. The City advertised for the positions internally to allow fire fighters the opportunity to apply for the positions and establish a list. The City received two applications. Interviews have been completed and no issues were identified.

City staff is requesting confirmation of the appointment date of November 24, 2010 for Mr. Craig Chesler and Jeremy Wall at \$14.50 per hour. Mr. Chesler maintains a Class A driver's license and Mr. Wall maintains a Class B driver's license. Under the direction of the Public Works Manager, the seasonal on-call snowplow drivers will perform labor related to snow removal such as shoveling, operating light equipment and vehicles necessary for the current winter season. Funding for these positions are provided for in the General Fund Street Maintenance Budget for 2010.

#### Item G

##### Resolution 2010-73 Resolution Amending the 2010 Budget

During 2010 the City Council identified projects that were not part of the approved 2010 Budget. The budget for the contribution to the Sunrise River Watershed Management Organization was not sufficient to cover administrative expenses and an additional \$1,000 will be incurred to cover those expenses. A service agreement with the Tinklenberg Group was approved in January 2010 to assist the City in its efforts to identify and pursue a variety of funding sources that would allow for implementation of planned projects and services. In September 2010 an opportunity to relocate an historical school house to Booster East Park was presented and approved by City Council. The funding source for both these projects came from savings in full time salaries in the Park Maintenance budget due to an approved unpaid employee leave and partially offset by the hiring of an additional part time season employee in the Park Maintenance budget.

These changes to the 2010 adopted budget are proposed as follows:

City Council

107-Commissions and Boards

Approved:	\$ 9,700
Proposed:	\$10,700
Increase:	\$ 1,000

Park Maintenance

101-Full-Time Employees

Approved:	\$187,749
Proposed:	\$163,981
Decrease:	\$ 23,768

Approved extended unpaid leave of full time employee.

103-Part-Time Employees

Approved:	\$10,800
Proposed:	\$13,500
Increase:	\$ 2,700

An additional part-time employee was added during the summer season

307-Professional Service Fees

Approved:	\$17,190
Proposed:	\$20,000
Increase:	\$ 2,810

Cost of relocation of the school house exceeded professional service fees budgeted

Transfers Out/Contingency

999-Contingency

Approved:	\$ 7,742
Proposed:	\$25,000
Increase:	\$17,258

Services provided by the Tinklenberg Group.

Funding sources were completed in January 2010 for the construction of a new well in the Whispering Aspen Development resulting in a \$74,601 MN Public Facilities Authority Water Revenue loan at 1% interest over 20 years. Revenues from water utility customers are collected in the Water System Access Fund and the loan repayment is an expense of the 2010A Water Revenue Note Fund. A principal and interest payment of \$680 was made in 2010. A transfer from the Water System Access Fund to the 2010A Water Revenue Note Fund is required in order to eliminate the deficit cash balance in the 2010A Water Revenue Note Fund.

Item H

Resolution 2010-74 Resolution Authorizing and Directing an Inter-Fund Loan

The cost of issuance cannot exceed 2% of the bond amounts as provided for in the Treasury Authority. This will require that the City internally finance an additional \$240,000 in cost of issuance costs. This is another of those limitations placed by the Feds on this type of debt.

Staff suggested and Council directed a resolution be prepared that provides for an inter-fund loan from the City's Equipment Replacement Fund to provide for this inter-fund loan. The resolution is attached to the agenda materials and provides the details for the loan to include the principal amount, provisions that future water and sewer revenues/charges will be used to repay this loan, term, etc.

The City's Equipment Replacement Fund can provide for this loan over an extended period of time if necessary. Based on Ms. Pierce's analysis, the Fund will carry a fund balance of more than \$1.3 million, after this loan has been incorporated, at least ten years into the future. At this level, there are sufficient funds to meet all equipment acquisitions anticipated from the Equipment Replacement Schedule for at least the next ten years.

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**Fiscal Impact:**

As noted above.

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**Recommendation(s):**

Recommend approval of the Consent Agenda as presented.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

## EAST BETHEL CITY COUNCIL MEETING

November 17, 2010

The East Bethel City Council met on November 17, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Greg Hunter  
Kathy Paavola Steve Voss (at 9:50 PM)

ALSO PRESENT: Douglas Sell, City Administrator  
Tammy Schutta, Asst. City Administrator/HR Director  
Rita Pierce, Director of Fiscal and Support Services  
Jerry Randall, City Attorney  
Craig Jochum, City Engineer

Call to Order **The November 17, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the November 17, 2010 City Council Agenda. Hunter seconded.** Sell asked about Council closing the Council meeting to discuss the summons and complaint. Randall said yes, he suggests that the Council go into a closed session to discuss the summons and complaint that the City was served with today. He said he suggests they do that before Item 4.C, before we proceed further with the bonds and that Paul Steinman from Springsted and Kreg Schmidt from Bolton and Menk be present at the closed session. Randall said so that we don't have to ask all the residents and others present at the meeting to leave Council Chambers, we can retire to the adjoining conference room for the closed meeting.

**Boyer amended his motion to add a closed session before agenda Item 4.C per Minnesota State Statute 13D to discuss the summons and complaint. Hunter said his second still stands with the amendment. All in favor, motion carries.** Hunter explained that Council will go into the conference room to have a closed session with our attorney and then the meeting will resume. Randall said the notice requirements do not apply and we can close the meeting in all legality.

Sheriff's Report Lieutenant Orlando reported on the custodial arrests/significant arrests for the month of October 2010 as follows:

**10-03-10 - 5<sup>th</sup> Degree Domestic Assault** - Deputies responded to a father/son domestic. The father advised his juvenile son was arguing with him and getting in his face. The father did not feel his son had the right to do this and he head butted him in the lip. The father was arrested and taken to jail.

**10-30-10 - Violation of Order for Protection** - Deputies were called on a violation for an order for protection. The female advised her ex-boyfriend had called her residence three times in the past 3 days in violation of an order for protection. The ex-boyfriend was located and taken into custody.

**10-31-10 - Burglary / Possess Burglary Tools / Flee on Foot** - Deputies responded to a light on inside a vacant home. Upon arrival deputies observed a male running from the home. The male was located and taken into custody. Deputies located tools, a cordless drill battery, flashlight and screwdriver in the path where the male had ran. The cordless drill

was located inside the home. The tools and drill had the suspects initials marked upon them. It appeared that the male had been trying to steal the copper pipes from the furnace area of the home. The male was taken to jail.

Lieutenant Orlando said domestic calls (non-crime) for the month were twenty-five (25) and DWI arrests for this month were eight (8).

Sell said in addition to the regular report this evening, Lieutenant Orlando is going to give us a brief report on a new program the sheriff's department had embarked on. Lieutenant Orlando said we have a new program and it is called the Lethality Program. She said when our deputies go to a domestic assault call; there is a twelve (12) question protocol that they go over with a victim of domestic assault after the arrest has taken place or in cases where the suspect is gone on arrival. Lieutenant Orlando said if the victim answers positively to any of the first four (4) questions or four (4) of the following eight (8) questions, it results in an immediate phone contact with an advocate from the Alexandra House. She said the deputies can also refer a victim based just on their "gut" feeling. Lieutenant Orlando said the advocate will then speak with the victim about a safety plan, while the deputy is still on the scene. She said this phone conversation generally takes about ten (10) minutes so it is not tying your deputies up for a long time.

Lieutenant Orlando said the question protocol for this program was developed in Maryland and is based upon lethal domestic violence cases. She said it was determined that victims have a higher chance of accessing and utilizing domestic violence services, when they are brought into contact with an advocate immediately upon being assaulted. Lieutenant Orlando said the Columbia Heights Police Department along with the Anoka County Sheriff's Office deputies are the first in the Anoka County law enforcement arena to utilize this protocol. Blaine and Coon Rapids will be trained on the protocol in the near future.

Hunter asked how long has this program been in place. Lieutenant Orlando said since September 1<sup>st</sup>. She said she thinks we have had a total of thirty-four (34) that have been screened. Lieutenant Orlando said the deputies have found that it is only taking about ten (10) minutes for a phone call with the Alexandra House. Paavola asked is it certain questions that are answered or in a certain way that gets them a call to Alexandra House. Lieutenant Orlando said for the first four (4) questions if the answers are yes, then we call, and also if they answer yes to four (4) of the next eight (8) questions. She said the deputies are also given some latitude with this, if they feel there is danger then they can screen them in.

2011 Contract  
with Anoka  
County for  
Sheriff  
Services

Sell explained that Sheriff Andersohn is with us this evening to review the 2011 Sheriff's Services Contract. Following his presentation, staff is asking for Council direction regarding the proposed contract for 2011.

Sheriff Andersohn thanked council for allowing him to be here. He said the new program will be helpful, a number of the homicides we see are domestic related. Sheriff Andersohn said we felt we needed to do something different to prevent those homicides. He said he hopes the new administration continues with this program.

Sheriff Andersohn said the contract proposal for 2011 remains the same as 2010. He said what we have done this year is maintain the same 8.4 deputies at \$5,316 per month. He said it is not quite a 1% increase. Sheriff Anderson said have built in no pay increases for our deputies even though the contract with our unions is not settled, there were mandated increases in PERA, and small increases in health costs. He said it is a 24 hour daily coverage of deputies. Sheriff Andersohn said he thinks the City of East Bethel has done real good with

their staffing needs. He said the proposal provides for 40 hours of patrol service in a 24 hour period for 2011 with 20 hours of Community Service Officer support per week.

Hunter said he thinks you have done an excellent job, he is speaking about you personally, and he hopes the best for you in your retirement. He said and you have some good solid employees that are going to take your place and he looks for this to prosper under them.

Hunter said his question is, as you know everything is tight, and he thanks you for keeping things on your end tight. He said but he worries about the neighboring communities cutting their budgets which we know they are doing and the reality is we stepped up to the plate and did what we needed to do, and the other communities haven't, what are we doing to protect that our cars are not going into the other communities freely.

Sheriff Andersohn said what needs to be done is to have a dialog between communities, say we are sharing, but talk to the other communities and explain to them that we are sharing the cost of the training, administrative services, benefits, vehicle maintenance and many others costs and it isn't right for them to pull back. He said in the case of one of the communities he has pushed them to step up to their level and he know they are upset with them, but if they underfund then we are pushing our deputies to cover their community, in this case Oak Grove, so he has drawn the line and said we are not going to provide service at a certain level. Sheriff Andersohn said they have approved their contract with an increase in July and he knows they are looking for other service providers. He said if they can get service somewhere else, that is fine. Sheriff Andersohn said because we share the administrative cost, the training cost and such, we think that we can provide the service at a better cost. He said we also have another community to the west that just became a City and he has been patient with them because they just became a City and are just learning about expanding these services. Sheriff Andersohn said we are trying to do our part, and we would ask that you do your part and try to communicate with these neighbors. Hunter said he is asking this so that he knows if we can have this conversation with these communities.

Channer said one of the other questions that came up is, at any given moment how many cars are out there in East Bethel. Sheriff Andersohn said he believes it is two (2). He said he wants to thank the Council and City Administrator for being so progressive. Sheriff Anderson said and he wants to thank the residents for allowing him to serve them and for allowing his successor, Sheriff Elect, Jim Stuart to serve them as well.

Sheriff Elect, Jim Stuart, said he is excited to see we are going to continue moving forward. He said he has some good mentoring going on and he is anxious to meet the newly elected people and plotting with them for the next year.

**Boyer made a motion to approve the 2011 Contract for Law Enforcement Services with the Anoka County Sheriff, from January 1, 2011 through December 31, 2011 for 40 hours of patrol service in a 24 hour period with 20 hours of Community Service Officer support per week at a cost of \$1,077,098 less any Police State Aid received. Channer seconded, all in favor, motion carries.**

Anoka Cty.  
Hwy.  
Department  
CMAQ Grant  
and Metro

Sell explained that Ms. Kate Garwood from the Anoka County Highway Department is with us this evening to review the status of the CMAQ Grant for transit activities and to review the potential for participation in the Metropolitan Council Transit District. The two programs are related and may be beneficial to the City.

Garwood said she will update Council about the touchiest subject. She said Arlene McCarthy at the Met Council said that East Bethel is able to join the transit district and she will confirm that in an e-mail. Garwood said you may want to consider the funding issues there and whether that is the best for East Bethel or not, the opportunity is there. She said one thing that McCarthy said is you would have a contract that would have to be gone through with Met Council. She said the CMAQ grant would be the opportunity for this, and this serves Anoka County. Garwood said we have two providers for this, the 1st Transit Group and MV Transit. She said the goal is to get the best deal. Garwood said she will keep staff informed.

Garwood said we have gone as far as gathering the information on the demand for service. She said we know what that looks like for the East Bethel and Oak Grove area. Garwood said it looks like 50 people would ride on the low estimate and on the high estimate 100 people would ride. Hunter asked is this per day. Garwood said yes, it is per day. She said you have to keep in mind that if you work in downtown Minneapolis, you can't always get dropped off on the intersection that you need to be at. Garwood said this was done on LHED data, with zip code data. She said this will be refined, the data is from 2008. Garwood said the next step is to find the funding costs. She said she hates to tell you this, but the East Bethel Park and Ride by the Ice Arena is not the best site. Garwood said we would like to discuss some other sites with you such as maybe the theatre or other sites on the west side. She said one of the reasons the ice arena is difficult is it is on the outbound side and on the way home it is on the inbound side. Garwood said with a different location typically a lease is written with the owner of the site and a fee can be paid, we maintain the parking lot, etc.

Boyer asked for timeline, when do you think you will have numbers ready. Garwood said around December 13<sup>th</sup> to 15<sup>th</sup>, we will be having a meeting with staff then. She said costs should be included in that meeting. Garwood said we should also talk then about joining the taxing district in that meeting, whether or not it is worth it.

Boyer asked in the past we have had discussions about the rapid transit bus, which would start in Cambridge, travel down Highway 65, have one stop in East Bethel, then one stop at 242 and Highway 65 in Blaine, is that still in the plan. He said he realizes that might be a difficult question with the new commissioners in place. Garwood said with the commuter passenger rail she doesn't know where that is now. She said she does know that the Northstar extensions are on hold right now. Garwood said there are all kinds of things happening on this corridor. She said we are looking at this bus corridor, this will show what the ridership is for the future. Garwood said but as far as what is the long term plan for transit service on Highway 65, BRT has come up, it is becoming popular. She said this is a dedicated lane, a separate lane, which could be done on Highway 65. Garwood said this could be done under the small start grant, it is not quite as expensive. She said the most solid thing you have is this bus.

Boyer asked is there an update on stoplight at 221<sup>st</sup> Avenue NE and Highway 65. Garwood said she didn't check on this, but she will check and let staff know.

Adjourn to  
Closed Session

**Boyer made a motion to adjourn to closed session per Minnesota State Statute 13D to discuss the summons and complaint. Paavola seconded; all in favor, motion carries.**

Hunter reconvened the November 17, 2010 City Council meeting. He said we met in closed session to get legal advice.

Res. 2010-66  
G.O. Utility  
Revenue  
Bonds RZED  
2010, Series A

Sell explained that Mr. Paul Steinman is with us this evening to review the bids received for the 2010 Series A G.O. Utility Revenue Bonds. These are the RZED Bonds with the 45% interest rebate. Council directed that the bonds be advertised with bids to be received on November 17<sup>th</sup>. Bond Counsel, Dorsey and Whitney, has prepared the necessary resolutions to award the sale.

Earlier this week, Council received information from Moody's Incorporated, the bond rating service, that "Moody judges (these) obligations to be high quality, with very low credit risk" based on their assigned rating of Aa3.

Following Mr. Steinman's presentation of the bids, staff is requesting direction from the City Council regarding the sale of these bonds.

**Boyer made a motion to adopt Resolution 2010-66 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$11,465,000 Taxable General Obligations Water Utility Revenue Bonds, Series 2010A (Recovery Zone Economic Development Bonds). Paavola seconded; all in favor, motion carries.**

Res. 2010-67  
G.O. Utility  
Revenue  
Bonds BABS  
2010, Series B

Sell explained that Mr. Paul Steinman will review the bids received for the 2010 Series B G.O. Utility Revenue Bonds. These are the BAB bonds with the 35% interest rebate. Council directed that the bonds be advertised with bids to be received on November 17<sup>th</sup>. Bond Counsel, Dorsey and Whitney, has prepared the necessary resolutions to award the sale.

Again, Council received information from Moody's Incorporated, the bond rating service, that "Moody judges (these) obligations to be high quality, with very low credit risk" based on their assigned rating of Aa3.

Following Mr. Steinman's presentation of the bids, staff is requesting direction from the City Council regarding the sale of these bonds.

**Boyer made a motion to adopt Resolution 2010-67 Authorizing Issuance, Awarding Sale, Prescribing the Forma and Details and Providing for the Payment of \$6,100,000 Taxable General Obligation Utility Revenue Bonds, Series 2010B (Build America Bonds – Direct Pay). Channer seconded; all in favor, motion carries.**

Res. 2010-68  
G.O. Utility  
Revenue  
Bonds 2010,  
Series C

Sell explained that Mr. Paul Steinman will review the bids received for the 2010 Series C G.O. Utility Revenue Bonds. Council directed that the bonds be advertised with bids to be received on November 17<sup>th</sup>. Bond Counsel, Dorsey and Whitney, has prepared the necessary resolutions to award the sale.

Again, Council received information from Moody's Incorporated, the bond rating service, that "Moody judges (these) obligations to be high quality, with very low credit risk" based on their assigned rating of Aa3.

Following Mr. Steinman's presentation of the bids, staff is requesting direction from the City Council regarding the sale of these bonds.

**Boyer motion to adopt Resolution 2010-68 Authorizing Issuant, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$1,260,000**

**Taxable General Obligation Bonds, Series 2010C. Hunter seconded; all in favor, motion carries.**

Public Forum Hunter opened the Public Forum for any comments or concerns that were not listed on the agenda.

Ed Fiore of 194 Ivy Road NE asked what kind of advice did you get regarding the lawsuit in your meeting. Randall said that is completely confidential, covered under attorney/client privilege. Fiore said because what he just saw was a complete atrocity. Fiore said God Bless You.

Mark Bouljon of 19439 East Tri Oak Circle NE said you are obviously working on a minefield, he has tried to be supportive. Bouljon said you have done a great deal of solid planning with an eye towards the future. He said he is not a rich man, he doesn't need a tax increase, but when it comes down to would he like the water he drinks to be clean and would he like the economic growth to come to our community, and it is not going to be a happy place if we don't get growth, if this is not a civilized place to be, he supports what the Council is doing. Bouljon said this is not going to stay a small town, we are going to grow and if we are not ready for it we are going to look stupid. He said he wants to commend the City Council for the work that has been done. Bouljon said you folks have done a good job, and should be commended for it. He said when he looks ahead and sees what is going to come in 10 to 15 years, he thinks you have done a good job. Bouljon said we are not bankers, it is not about the money, it is about the priorities we are going to set, the fact that he doesn't want to pay more taxes may not count, but he should be able to say this is what we all want to do and step up.

Mike Jungbauer of 21212 East Bethel Blvd. NE said he is a little concerned about how we are moving forward on this. He said as mayor of this City previously, he wanted to move forward with a commercial zone on Highway 65 with City sewer and water also, but times have changed. Jungbauer said as we move forward and with a change with in the Council and Mayor coming, people are saying why are you moving so fast, have you evaluated the feasibility studies done in 2006. He said also, he was made aware of the contracts for employees on the end of the agenda here. Boyer said you have been up here. He said we had one person in favor and one opposed, and neither were supposed to speak. Boyer said you know the rules. Jungbauer said the dynamics have changed since the public hearing. He said we are talking about revenue bonds that you just jammed through. Boyer said the public forum is not for items on the agenda. Hunter said this is the time for public to discuss items with the Council that are not on the agenda. Jungbauer said he begs to differ, because he think the next items that are on the agenda might bring some more lawsuits, think they have to be out in the public for 10 days, it is called the sunshine law for the employment agreements. He said remember, the next Council can overturn everything you do, legally.

Josh Sturman of 226 Elm Road NE said at the last meeting on the November 3<sup>rd</sup> he requested information on the Storm Water Pollution Prevention Program (SWPPP). He said he was looking at 2011 competitive grants, Runoff Prevention Grants, Shoreland Prevention Grants, and there was one other, and they can only be applied for by the local government. Sturman said you your SWPPP has to be up to date, but he wasn't sure if it was up to date. He said one of the justifications for the employment agreements was a quote "these actions have resulted in many enhanced or significantly positive outcomes to include but not limited to an upgraded bond rating, recognized accounting and financial reporting, detailed budgets, transparent five year capital project programs, increased citizen involvement, enhanced

communications, vastly improved technology, advanced grant identification and application processes and countless other improvements that streamline operations, incorporate required legal and administrative processes and implemented business practices savings thousands of dollars and/or increasing grant funds flowing to the City”.

Jochum said we have two watershed districts in East Bethel. He said the Upper Rum approved our Water Management Plan in May and Sunrise had just finished their generation plan, and soon they will be both in line with us. Hunter asked are these grants open ended. Sturman said the application deadline was September 15, 2010 and December 15, 2010 is when the grants are awarded. Hunter asked is this something the watersheds should be more aware of. Sturman said the watersheds in bigger communities do this, but this is one instance where it could be done by independents. Sell said our Water Management Plan was in place and then the watersheds updated theirs, then we had to up date ours to come into compliance with theirs. He said our water management plan is current. Sturman said the second generation plan that Sunrise has in place is more than ten (10) years old and so you would not qualify. He said 3.1 million was available and for shoreland improvement 1.3 million was available. Sturman said do to your lack of approving the Sunrise plan. Sell asked since our plan has been approved by the Upper Rum would we be eligible to apply for these grants, or would we need to be approved by both. Jochum said it should make us eligible, but we would still need projects to apply for. Sturman said you would need projects and the projects are around the Coon Lake area and they are in the Sunrise watershed. Jochum said the time has lapsed but it is a yearly program. Sturman said yes, the time has lapsed and he was disappointed to see that.

Christine Howell of 22314 7<sup>th</sup> Street NE asked as far as salaries go, who is responsible for paying the City Attorney. Randall said he is paid by the hour. Howell asked who pays that. Randall said the City Council approves it. Howell asked and who pays the City Administrator. Sell said the City Council. Howell asked and your salary is how much. Sell said \$133, 348. Howell said so if the City of East Bethel has a population of about 13,000 that is how much per person. Sell said about \$10 per resident.

Howell said the City of Lino Lakes has a population of 21,000 and their City Administrator only makes \$101,000. She said and what about Ham Lake, what does their administrator make. Hunter said they don't have a City Administrator. Howell asked how do you justify this, can you explain to her, justify his salary, justify how much more he makes compared to what the City Administrator makes in Lino Lakes with a higher population. She said and he has an assistant. Howell asked how much does she make. Sell said \$79,000 he believes. Schutta said that is correct. Howell asked do all cities have an assistant. Boyer said it depends on what they do. He said our assistant administrator also does Human Resources.

Howell said let's go back to the City Administrator, what do you do that is above and beyond others that justifies it. She said she is paying that salary. Sell said the community that you picked on has a brand new administrator. He said he has been an administrator in several communities for thirteen (13) years, I have experience in managing quasi government. Hunter said we interviewed several candidates and we needed somebody with experience, we didn't have someone before. Howell said the new position in Lino Lakes is being paid \$101,000. Hunter said it was a new position for us, but Sell was experienced.

Howell asked how long Sell has been with the City. Sell said seven (7) years. Howell said so in seven (7) years you jumped up \$4,000 to \$5,000 a year. Boyer said that is 3% a year, average. Howell said you were the one quibbling over the number of businesses someone

was off at the previous meeting, numbers can mean a big thing. Boyer said he was pointing out the absurdity of arguing over a number. Howell said you have to back up, she doesn't get a \$4,000 to \$5,000 raise a year. Boyer asked do you get a cost of living increase every year. Howell said she didn't throw out the new card, the City Administrator did. She said she wants to know, is this a new position for the City. Boyer explained that what Sell was saying is the Lino Lakes City Administrator did not have experience when he was hired. He said that is not the same as East Bethel hiring an experienced City Administrator. Boyer said the Stanton report lists the salaries of City officials, it is quite an extensive book, and we are not pulling numbers out of air. Howell said really, because out of all the numbers she pulled, our City Administrator was the highest. She said he is the highest paid by \$30,000. Howell said so she wanted to know how he is justified getting paid \$30,000 more of any other City of our size. She asked Council Member Boyer if he is at City Hall during the day, because she would like to schedule a time during the day to be shown information on any other City Administrator in a City of our size that is paid the same as him. Boyer said he is not here during the day. Sell said give him a call he would be happy to show the information to Howell.

Tom Ronning of 20941 Taylor Street NE said it doesn't seem that it was that long ago that the City was looking for concessions from the workforce. Hunter said we have a union. Ronning asked did they negotiate this year. Hunter said yes. Ronning asked did they advance. Sell said they got a 1.5% increase and a reduced benefit of \$25.

Sturman asked what is the difference in the employment agreements, one has a 2011 pay rate and one quotes a 2009 pay rate. He asked what is the reason and why are there two different employment agreements. Hunter said we have employees that are regulated by the union. Sturman said you have the City Administrator, and then the Assistant City Administrator/Human Resource Director, Director of Fiscal and Support Services, Public Works Manager, Fire Chief, City Planner, Chief Building Official and Deputy City Clerk and you have the City Administrator at the 2009 rate and then the others at the 2011 rate. Sell said for the City Administrator he didn't think it was unreasonable to freeze the rate of pay for four (4) years and for the others Council has already set the pay rate and that is what is incorporated in that agreement.

Dan Butler of 20332 Austin Street NE said he noticed in the agenda tonight there is not an update from our attorney on the lawsuit on HRA. Randall said the county has appealed. He said they have filed their appellate brief. Randall said and the attorneys for the City have drafted their brief and he has reviewed it. He said oral arguments will be set next spring. Butler said he thought maybe with turnover at the county there might be a change of heart of some type and there might be a chance of some type of discussion to see if we could have a change on this. Randall said he has done that. He said the new county attorney was out of the office on a leave of absence because of the election, but he can tell you that the county was alarmed with the results and he doesn't think they are going to give up. Randall said you have to remember the party is the Anoka County HRA and he thinks there is one member of the county board that leads the way. He said the county HRA board is different than the county commissioners. Sell said only three (3) out of the four (4) sitting HRA board are sitting county commissioners. Butler said but they are appointed by. Randall said the point of this lawsuit was to save the taxpayers money. Butler said but we are footing the way for other cities to save money. Boyer said the approximate savings for the taxpayers is \$200,000. Butler said but others cities could be filing amicus briefs. Randall said we asked the League of Minnesota Cities (LMC) to file an amicus brief and they decided not to.

Butler said he is not sure on how contract negotiation works with union employees and the City Administrator and he is wondering if someone can direct him to a statute on how it is done. He said when he read through the employment contracts it seemed it was different on how severance was treated. Butler said he is wondering if this opens the City up to a lawsuit for being treated differently. Randall would rather not pine on that until further review. Boyer said there will be a motion about the severance clause.

Howell asked when was the City Administrator position created. Hunter said it was created in 2003. Howell asked was the salary based on experience as a City Administrator before and if so, where were you a City Administrator before this. Sell said the City of Jordan.

There were no more comments so the Public Forum was closed.

Consent  
Agenda

**Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, November 3, 2010, Regular Meeting; C) Meeting Minutes, November 10, 2010, Canvass Election Results; D) Resolution 2010-69 Declaring Commission Vacancies; E) Resolution 2010-70 Delinquent Charges Certification; F) Wetland Replacement Credit Purchase – Booster Park/Cedar Creek Trail; G) Resolution 2010-71 Norlyn Farms Warranty Letter of Credit Release; H) MCES Service Agreement. Channer seconded; all in favor, motion carries.**

Planning  
Minutes

Sell explained that the meeting minutes from the October 26, 2010 Planning Commission meeting are provided for your review and information.

LaVonne  
Murphy –  
IUP/Farm  
Animals –  
2557 225<sup>th</sup>  
Avenue NE

Sell explained that LaVonne Murphy at 2557 225<sup>th</sup> Avenue NE is requesting an IUP for the purpose of keeping three cows and up to one-hundred chickens for egg production on her property. The parcel is 5.12 acres.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres. The 5.12 acre parcel is not located within a platted subdivision and exceeds the minimum parcel requirements.

City Code has a limit on the number of animals allowed per parcel. Per code, the three cows require 4.2 grazable acres and the one-hundred chickens require 1 grazable acre. The property contains approximately 3.25 acres of fenced grazable lands. However, there is land available to expand the pastured area if needed. The cows and chickens will not have free reign of the fenced acreage, rather the animals will be rotated into different pastured areas so the land is not over-grazed and degraded. Rotating livestock is a common farming practice and Ms. Murphy practices organic/sustainable agricultural practices.

There is shelter provided for the cows and the chickens will have access to portable shelters that have roosting boxes. These shelters will be rotated between the pastured areas along with the animals. Ms. Murphy has plans of breeding two of the Lowline heifers and to possibly have one dairy cow. City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

Planning Commission recommends approval of an IUP to allow no more than 3 cows and 92 chickens at the property 2557 – 225<sup>th</sup> Avenue NE with the conditions noted in your agenda materials. There is a reduction to the number of chickens as the calculation of acreage limits the number of chickens to 92, not 100.

**Boyer made a motion to approve the request of LaVonne Murphy at 2557 225<sup>th</sup> Avenue NE (PIN 043323140026 & 043323140012) for an Interim Use Permit (IUP) to allow no more than 3 cows and 92 chickens with the following conditions:1) An Interim Use Permit Agreement must be signed and executed by the applicants and the City; 2) Applicants must comply with City Code Section 10. Article V. Farm Animals; 3) Permit shall expire when: a. The property is sold, or, b. Non-compliance of IUP conditions; 4) Property owner shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP; 5) Property will be inspected and evaluated annually by city staff; 6) Conditions of the IUP must be met no later than December 1, 2010. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP. Paavola seconded; all in favor, motion carries.**

Tim  
Christensen –  
IUP/Home  
Occupation –  
1507 205<sup>th</sup>  
Avenue NE

Sell explained that the property owners, Ken and Lois Landborg, and applicant, Tim Christensen, are requesting an IUP for an automotive repair business and a vehicle dealer's license for the 6.41 acre parcel located at 1507 205<sup>th</sup> Avenue NE. Mr. Christensen has indicated an interest in this property and has made a conditional offer to purchase subject to the granting of an IUP for his home occupation.

The automotive repair business entails the repair of approximately 3-5 vehicles on a daily basis, possibly 5 courier deliveries per week and vehicle storage in the detached accessory structure or in an existing fenced area adjacent to the structure. If approved, all exterior storage must be screened from neighboring properties and the right-of-way.

The Minnesota Vehicle Dealer License is required such the applicant can sell vehicles. Minnesota law requires a Vehicle Dealer License with the sale of more than five vehicles per year. The intention is not to have an inventory of more than five vehicles for sale at any given time. Marketing of the vehicles will be done by internet. It is presumed that some customers will visit the location, however, generally, it will not be open to the public.

The license application form for a Minnesota Dealer's License and Minnesota Statutes 168.27, subd 1 requires that the business have a commercial building, which means a permanent, enclosed building that is on a permanent foundation and is connected to local sewer and water facilities or otherwise complies with local sanitation codes. Further, the structure is adapted to commercial use and conforms to local government zoning requirements.

The State requirement for sanitary sewer connections and facilities conflicts with East Bethel City Code Appendix A, the Zoning Code. This section of the City Code precludes a detached accessory structure from having sewage treatment facilities. If the request for the Motor Vehicle Dealer License is approved, this particular requirement of the license cannot be met as it would be in violation of city code. The applicant and landowners could submit a variance request, however, the applicant must show that the property in question cannot be put to a reasonable use without the variance.

According to Mr. Christensen, the business will not be open to the public as a commercial entity. There will be no sales of parts, materials, or other services. Customers will only be on site to drop off for repairs and pick up. If the IUP is approved, the IUP will not be issued until all code requirements are met. The Building Official will make the final determination.

At this time Mr. Christensen will be the only employee. However, city code states that no

more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation. Mr. Christensen would be allowed to have up to two additional employees as long as he lives in the principal structure.

Automotive repair facilities generate hazardous waste. The applicant has not submitted an application for a Hazardous Waste Generator License through Anoka County. If the IUP request is approved, the applicant is required to obtain the appropriate license from Anoka County prior to the issuance of the IUP. In addition, the applicant would be required to submit the license to staff along with yearly inspections reports.

Mr. Christensen's letter states that no road signage is anticipated other than the minimum required by Minnesota Law. Staff does not know the signage requirements by the state, however, Mr. Christensen would be required to comply with East Bethel City Code, Chapter 54, which states "for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet." Signs must be placed on the business' property as directional signs are not allowed.

Staff has received two comment letters from the public regarding concerns of the IUP request. These items were part of the public hearing record at the Planning commission and have been provided to you in your agenda materials.

Planning Commission recommends approval of an IUP for a automotive repair facility and MN Vehicle Dealer License at 1507 205<sup>th</sup> Avenue NE with the conditions noted in your agenda materials.

**Boyer made a motion to approve the request of Tim Christensen at 1507 205<sup>th</sup> Avenue NE (PIN 17 33 23 43 0010) for an Interim Use Permit (IUP) for an Automotive Repair Facility and a Minnesota Vehicle Dealer License in the R-1 – Single Family Residential District with the following conditions: 1) Vehicles waiting for repair, vehicles for sale, or vehicles waiting for customer pick up are not allowed to be stored outside in view of the public right-of-way or neighboring properties; 2) Signage must comply with East Bethel City Code, Chapter 54, which states "for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet." Signs must be placed on the business' property as directional signs are not allowed; 3) No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation; 4) The automotive repair/home occupation will be limited to occupy 4800 square feet of the detached accessory structure and no more than 50% of the principal structure; 5) The IUP will be reviewed by staff and renewed on a yearly basis by City Council in which City Council may require additional conditions where deemed fit; 6) City staff is allowed on the property to conduct random inspections to ensure compliance. Staff will give at least a two hour notice prior to a site inspection; 7) Structure must be inspected by the Fire Inspector on a yearly basis; 8) Site plan with required information must be submitted to the Building Official for review and approval prior to the issuance of the IUP. Building Official will make the final determination of occupancy change and codes to be administered to bring the structure into compliance; 9) Mr. Christensen must submit an approved Hazardous Waste Generator License issued by Anoka County Environmental Services. Inspection reports and annual license renewal must be submitted to City Staff within 30 days after renewal/issuance; 10) Mr. Christensen must submit an approved MN Vehicle Dealer License to the City of East Bethel and obtain a City of East Bethel Automobile Dealer License. Each license is to be renewed on an annual basis. A copy**

**of the renewed annual MN Vehicle Dealer License is to be submitted to City Staff within 30 days of renewal/issuance; 11) Conditions must be met and an IUP Agreement executed no later than January 20, 2011. Failure to comply will result in the null and void of the IUP; 12) Body work and detailing is not allowed as part of the business.**

**Paavola seconded.** Boyer said his motion is conditional on the fact that we are not allowing the sale of vehicles displayed in the yard. Sell said that is correct and that will be a condition of the IUP. Hunter said with the IUP, with this particular business, what is the time frame when it needs to be reapplied for, when it needs to be reviewed. Sell said in one year. Channer said he is all for a business coming into the City, but he is having a problem with this business paying residential taxes and the rest of our businesses having to pay commercial taxes. Hunter said he discussed this with the City Administrator and he said if they have a business even on a residential property, then they will be taxed for it. Channer said it will be in the future though. Hunter said yes, he had a business on his property. He said he doesn't anymore, but he is still paying that higher amount, but it will decrease because he doesn't have the business anymore. Channer asked is there a zoning change planned for this area in the future. Boyer said he doesn't think so. Paavola said they still have to get an Anoka County license. Hunter said yes, for waste generation. He said if you have fluorescent lights you're supposed to have one. **Channer, nay; Boyer, Paavola, and Hunter, aye; motion carries.**

Parks Comm.  
Minutes

Sell explained that the meeting minutes from the October 13, 2010 Parks Commission meeting are provided for your review and information.

Road Comm.  
Minutes

Sell explained that the meeting minutes from the October 12, 2010 Roads Commission meeting are provided for your review and information.

Code  
Enforcement  
Report

Sell explained that the Code enforcement Report is included for your review and information.

Fire Dept.  
Minutes

Sell explained that the Fire Department reports are provided for your review and information.

Schoolhouse  
Task Force

Sell explained that earlier this year, the City Council directed the relocation of a historical schoolhouse to Booster East Park. The move was completed on October 21, 2010. It has been suggested that the schoolhouse could be used as a trail head and interpretive center.

The schoolhouse is in reasonable shape. The hardwood flooring is in good shape but will require refinishing. The windows are damaged or missing. Doors in the structure need to be replaced. The electrical is antiquated and will require upgrading to meet current code. Because it was not part of the original schoolhouse structure, the 10' x 14' addition was removed prior to relocating it. As a result, the back of the schoolhouse needs to be framed and siding applied. The siding was salvaged from the 10' x 14' addition and will be used.

It has been suggested that City form a Historical Schoolhouse Renovation Task Force consisting of three to five volunteers. The Task Force would be responsible for determining the next steps for the renovation of the schoolhouse, establishing a renovation budget and draft a timeline for the project.

Staff seeks Council direction to begin the process of seeking volunteers to serve on a Historical Schoolhouse Renovation Task Force.

Boyer said he would be happy to serve on this task force and if anyone has any picture of this in your collection it would be nice to have it, so the City could approximate what it looked like. Beryl Anderson said the Bakers and Andersons, and Broadbents would have information on this. Channer asked do we want to open this up like the commissions. Boyer said should we recruit a scout master. Beryl Anderson said she knows some of the old timers would have memories, it would be appropriate to call them and ask them. Schutta said she was going to invite Linda Mundle to be a part of the task force. She said Mundle has been very active in this project and has found some of the teachers. Channer said he doesn't want it to get too big. Boyer said seven (7) is a reasonable number. Sell said we can put a booth up at the Town Hall meeting. Council consensus was to move forward with the Historical Schoolhouse Renovation Task Force. Ken Langmade said he is sure that Linda Mundle would be happy to serve on this task force, she has attended some of the senior meetings and talked with some of the seniors about this.

Appraisal  
Services –  
Easement  
Acquisitions

Sell explained that fourteen different easement sites will be required to accommodate the City's water and sewer utility infrastructure construction. The City's consulting engineer has identified these parcels and they are shown on Attach #1 in your agenda materials.

Prior to any offer/negotiation the City is required to obtain an appraisal for the easements involved. Staff developed an RFP for these services and has solicited quotes from several appraisal service firms. A copy of the RFP and responses to the RFP are attached for your review.

Two quotes were received for these services. Nagell Appraisal and Consulting, \$5,600 and Lake State Realty Services, Inc., \$10,500.

Staff recommends the appraisal services agreement be awarded to Nagell Appraisal and Consulting in an amount not to exceed \$5,600 with all work and reports completed no later than November 24, 2010.

**Boyer made a motion to award the appraisal services agreement to Nagell Appraisal and Consulting in an amount not to exceed \$5,600 with all work and reports to be completed no later than November 24, 2010. Voss seconded.** Voss asked why there is such a vast difference in cost. Sell said this has been Nagell's M.O., we have used them many times. He said their quality of work is great. **All in favor, motion carries.**

Employment  
Agreements

Sell explained that a proposed Employment Agreement between the City and the City Administrator has been included with this item. This agreement reduces to writing the basic verbal understanding between the parties. The Agreement provides for a wage freeze for the duration of the agreement at the 2009 level. Contributions for insurance and their treatment are consistent with the amounts provided to other employees that will decrease for 2011. Vacation, sick leave and other time off are consistent with practices and policies for other management/supervisory employees.

The second Agreement provides for all City Employees not currently covered by a labor agreement. This would include all managerial, supervisory and confidential employees. The provisions of this agreement following current practices and policies and is now reduced to writing. This type of agreement is common in a large number of cities, counties and particularly school districts for managerial employees.

The City Attorney reviewed the proposed agreements and made minor modifications. The

Agreements before you have incorporated these suggestions. All financial implications and provisions within these agreements are provided for in the City's budget for 2011.

Staff is asking Council to consider approving these Employment Agreements.

Hunter asked about the sunrise clause that Jungbauer brought up. Randall said he has heard about the sunrise clause. He said he did not review the employment agreements in terms of the sunrise clause. Hunter said in lieu of that, he would like to table this item and have this covered. He said he heard comments from the residents on these agreements and if you would like to share those comments, he would like to hear from you. Boyer said and Channer had some changes. Channer said yes as far as progressive discipline, it is in the second contract but not the first. Randall said he thinks the City policy provides for progressive discipline. Channer said but the question was brought up on how is it done for the City Administrator position. Boyer said he thinks it would come from Council. Voss said he thinks it is a good point to have it in there. Randall asked Channer to send him his suggestions.

**Boyer made a motion to table the employment agreements until the December 1, 2010 City Council meeting. Channer seconded.** Hunter asked for more information about sunrise clause from Randall. Resident said they can't hear Council Member Boyer and the City Attorney Randall. Randall said he has been asked to see if there is any thing in the sunshine clause that Council should be aware of. **All in favor, motion carries.**

#### Town Hall Meeting

Sell said he wants to remind everyone about the Town Hall meeting tomorrow night at 6:00 PM at the East Bethel Community/Senior Center, then we will move into Council Chambers at 7:00 PM for a Question and Answer Session and at 8:00 PM we will move back into the East Bethel Community/Senior Center for more one on one questions.

Boyer said he just wants to reiterate that we are going to have something on the Historical Schoolhouse Renovation Task Force for tomorrow night. Schutta said yes, she is. Hunter said if someone reminds him, he will also say something at the beginning of the night.

#### Vandalism in East Bethel Parks

Channer said we made the front page of Star Tribune for all our arson/vandalism in our parks. He said it was in the North Metro section. Sell said yes, he had received a call from Star Tribune reporter, Maria Baca. Channer said and they interviewed Jack Davis. He said the article said our police are on to the vandals. Boyer said there is more information in the parks meeting minutes and we are doing more for security. Voss said and he knows the sheriff's department started patrolling more right after the schoolhouse was delivered.

#### Snowplowing

Voss said he wants to apologize for being late; he was on a business trip. He said he got a couple calls on the snowplowing about mailboxes being taken out. Voss said these were on county roads and they were the new style mailboxes that are supposed to swing away. He said he knows we don't do the plowing on county roads but he had them call City Hall and report it so we knew about it anyways. Voss said he also knows there was a little yard damage.

#### Microphones

Voss said another thing is he has heard two comments about this, can we do something about the sound system because he is having a hard time hearing the City Administrator. He said we need someone to come out and look at the system. Voss said this is not the correct technology. Paavola said even though she thinks that is true, we are not always mindful to talk into the system. Voss said but these are wrong microphones.

Adjourn      **Boyer made a motion to adjourn at 10:02 PM. Paavola seconded; all in favor, motion carries**

Attest:

Wendy Warren  
Deputy City Clerk

DRAFT

# CONSULTING SERVICES AGREEMENT

This Agreement is made as of \_\_\_\_\_, 20\_\_ (the "Effective Date"), by and between GIS RANGERS, LLC ("Contractor") and the City of East Bethel ("Client" or "City of East Bethel"). GIS RANGERS and Client are collectively referred to as "Parties" and individually as a "Party."

WHEREAS, City of East Bethel requires services to be provided for GIS On-Site support;

WHEREAS, Contractor desires to and is capable of providing the necessary services according to the terms and conditions stated herein;

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein the parties agree as follows:

## 1. TERM

- 1.1 The term of this Agreement shall be January 1, 2011, to December 31, 2011, unless earlier terminated by law or according to the provisions of this Contract.
- 1.2 Client may terminate the Services to be provided under this Agreement in whole or in part at any time, upon 30 days written notice to GIS RANGERS, setting forth the portion of the Services affected, and the date on which said termination is to be effective. In the event of any such termination, Client will pay GIS RANGERS for all Services satisfactorily performed to the date of cancellation.

## 2. CONTRACTOR'S OBLIGATIONS

Contractor shall provide the following services generally described as GIS On-Site Support, including but not limited to:

- Acquire GIS data where needed
- Maintain and edit all GIS datasets being used for Client's GIS
- Create new datasets
- Create and update GIS maps
- Advise the Client on matters relating to GIS projects and software
- Maintain and keep records of GIS-related software and software licenses
- Customize and maintain GIS related web pages
- Customize, create and maintain Microsoft Access databases
- Work with Anoka County to acquire GIS and Assessor Updates

- Printing of Large format maps
- One on One Training

3. SERVICE FEES.

3.1 GIS RANGERS's fees for Services are set forth below in this paragraph ("Service Fees"). Service Fees do not include any taxes that may be due based on the Service Fees, for which Client agrees to pay directly or reimburse GIS RANGERS.

<b>Task</b>	<b>Hours</b>	<b>Rate</b>	<b>Cost</b>
On-Site Service – 1 year	144	\$60.75	\$8,748.00
<b>Total</b>	<b>144</b>	<b>\$60.75</b>	<b>\$8,748.00</b>

3.2 GIS RANGERS shall submit invoices to Client for the Services completed in accordance with this Agreement. All invoices are due within thirty days after invoice date.

3.3 If Client disputes any portion of a GIS RANGERS invoice, then Client will: (a) pay any amount not in dispute by the due date; and (b) within five business days after receipt of that invoice, inform GIS RANGERS in writing of the disputed amount and the specific reason(s) for withholding payment. On GIS RANGERS's receipt of this, the Parties will work together in good faith to resolve such disputes in a prompt and mutually acceptable manner. Client agrees to pay any disputed amounts within five days after the issues have been resolved.

3.4 Client shall have the right to request changes within the scope of the Services; however, all such changes are subject to acceptance by GIS RANGERS. If any change causes an increase or decrease in the fees, or in the time required for performance, prior to commencing the services required by the requested change, GIS RANGERS shall notify Client of such increase or decrease and the Agreement shall be modified in writing accordingly. GIS RANGERS shall not proceed with any change until a written amendment has been accepted by GIS RANGERS; however GIS RANGERS's right to payment for such change shall not be affected in the event GIS RANGERS agrees in writing to proceed prior to the completion of such amendment.

4. LIMITED WARRANTY AND REMEDY.

- 4.1 GIS RANGERS warrants that the Services will be performed in a safe, professional and workmanlike manner consistent with the applicable industry standards and this Agreement.
- 4.2 GIS RANGERS MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTY OF MERCHANTABILITY, THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE AND ANY IMPLIED WARRANTY ARISING OUT OF A COURSE OF DEALING, A CUSTOM OR USAGE OF TRADE.

5. DISPUTE RESOLUTION.

- 5.1 This Agreement will be construed and enforced according to the laws of the State of Minnesota, without regarding to its conflicts of law rules. Any litigation regarding this Agreement must be filed and maintained in the state or federal courts of the State of Minnesota and the Parties consent to the personal jurisdiction of such courts. No provision of this Section 5 will preclude either Party seeking injunctive relief to prevent immediate or irreparable harm to it, but the mediation stated in Section 5.3 will otherwise be fully exhausted before the commencement of any litigation.
- 5.2 EACH PARTY IRREVOCABLY WAIVES ANY RIGHT TO A JURY TRIAL WITH RESPECT TO ANY CLAIMS OR DISPUTES ARISING OUT OF OR RELATED TO THIS AGREEMENT. Any lawsuit or other action, regardless of form, relating to this Agreement, including, without limitation, an action for breach of warranty, must be commenced within one year after the later of: (a) date on which the breach of warranty or other cause of action occurred; or (b) date on which that Party knew or should have known of that breach of warranty or other cause of action.
- 5.3 Prior to commencement of any litigation regarding this Agreement, the Parties agree to non-binding mediation to resolve any dispute they may have. The mediation will be conducted by a mutually selected mediator (or if the Parties cannot agree, by a mediator selected by the CPR Institute for Dispute Resolution), in accordance with the CPR Institute's Model Procedure for Mediation of Business Disputes. The Parties will each pay its own attorneys' fees and will share equally the other mediation costs. While this mediation will be non-binding in all respects (except agreements in settlement of the dispute negotiated by the Parties), each Party will appear when directed by the mediator, be fully prepared to work toward the dispute's resolution, and participate in good faith. If the mediation does not result in a mutually satisfactory resolution of the dispute within ninety days after it is begun, either Party may commence an action as permitted under

Sections 5.1 and 5.2. The one-year limitations period stated in Section 5.2 will be tolled during the pendency of any on-going mediation, but in any event, any action or lawsuit must be commenced under Section 5.2 within eighteen months. All negotiations between the Parties pursuant to this Section 5 will be treated as compromise and settlement negotiations for purposes of the applicable rules of evidence.

6. LIMITATION OF LIABILITY.

NEITHER PARTY WILL, UNDER ANY CIRCUMSTANCES, BE LIABLE TO THE OTHER PARTY FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO THE SERVICES, THIS AGREEMENT OR THE TERMINATION OF THIS AGREEMENT. THIS LIMITATION OF LIABILITY APPLIES REGARDLESS OF THE LEGAL THEORY UNDER WHICH SUCH DAMAGES ARE SOUGHT.

7. AUTHORIZED REPRESENTATIVE

Notification required to be provided pursuant to this Contract shall be provided to the following named persons and addresses unless otherwise stated in this Contract, or in a modification of this Contract.

<u>To Contractor:</u>	<u>City of East Bethel:</u>
President	Community Development Dept.
GIS RANGERS	City of East Bethel
2434 Virginia Circle	6431 University Ave
Roseville, MN 55113	East Bethel, MN 55432-4303

8. GENERAL PROVISIONS

- 8.1 This Contract is the final statement of the agreement of the parties and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings or agreements. There are no representations, warranties, or stipulations, either oral or written, not herein contained.
- 8.2 If any of this Agreement's terms are, for any reason, held invalid, illegal or unenforceable by a court or tribunal of competent jurisdiction, this Agreement will be deemed severable and such invalidity, illegality or unenforceability will not affect any of this Agreement's other provisions, all of which will be enforced in accordance with this Agreement.
- 8.3 GIS RANGERS will not be responsible for the delay in its performance of any obligation under this Agreement caused by acts of God, legal restrictions, or any other similar conditions beyond the control of GIS

RANGERS.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date(s) indicated below.

CONTRACTOR

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF EAST BETHEL

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-72**

**A RESOLUTION ESTABLISHING FEES TO BE COLLECTED BY THE CITY OF  
EAST BETHEL IN 2011**

**WHEREAS**, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

**WHEREAS**, because of increases in the costs of providing various services, a revision of the 2010 Fee Schedule is necessary.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the City of East Bethel, Minnesota hereby establishes the following fee schedule for 2011:

**UTILITY OPERATIONS:**

WASTEWATER TREATMENT-WHISPERING ASPEN BASE CHARGE	\$18.38 PER QUARTER
USAGE CHARGES: (BASED ON WATER USE DURING JANUARY, FEBRUARY AND MARCH)	
0-6,000 GALLONS PER QUARTER	\$6.30 PER 1, 000 GALLONS
6,001 - 15,000 GALLONS PER QUARTER	\$7.56 PER 1, 000 GALLONS
15,001 - 30,000 GALLONS PER QUARTER	\$9.07 PER 1,000 GALLONS
OVER 30,000 GALLONS PER QUARTER	\$10.89 PER 1,000 GALLONS
WATER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$2,000
SEWER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$10,205
WASTEWATER TREATMENT-CASTLE TOWERS BASE CHARGE	\$912.44 PER MONTH
USAGE CHARGE	\$8.08 PER 1,000 GALLONS
WATER USE CHARGES BASE CHARGE	\$56.30 PER QUARTER
USAGE CHARGES:	
0-6,000 GALLONS PER QUARTER	\$10.60 PER 1, 000 GALLONS
6,001 - 15,000 GALLONS PER QUARTER	\$12.72 PER 1, 000 GALLONS
15,001 - 30,000 GALLONS PER QUARTER	\$15.26 PER 1,000 GALLONS
OVER 30,000 GALLONS PER QUARTER	\$18.32 PER 1,000 GALLONS
RADIUM REMEDIATION FEE-WHISPERING ASPEN	\$30 PER QUARTER
WATER TURN ON/OFF FEE	\$75
CONNECTION INSPECTION - SEWER	\$75
CONNECTION INSPECTION - WATER	\$75
STREET LIGHTING CHARGE - WHISPERING ASPEN	\$1.50 PER MONTH

PENALTY CHARGES

Bills are due within 14 days from the date of billing. Bills not paid in full by the due date will pay a service charge of 10% of the current charges. Beginning 30 days after the due date, all unpaid balances will accrue interest at the rate of 1.5% per month. All amounts that are more than 30 days past due on the last day of November each year may be certified to the County Auditor as unpaid and delinquent. The certified amount, plus a service charge to pay for the assessment process, shall be extended as a tax lien on the respective property. This amount will be added to the following year's property tax assessment.

TAX CERTIFICATION OF DELINQUENT ACCOUNTS \$70.00

**GENERAL CHARGES:**

DATA/INFORMATION RETRIEVAL FEE - STAFF TIME	2.5 TIMES HOURLY RATE
(REQUESTS MUST BE IN WRITING, NO CHARGE IF LESS THAN 30 MINUTES STAFF TIME)	
NOTARY FEE	\$1
ASSESSMENT SEARCH	\$20
(ALL REQUESTS MUST BE IN WRITING, NO CHARGE TO HOMEOWNERS)	
COPY CHARGE	\$.25 PER PAGE
FAX CHARGE (SEND OR RECEIVE)	\$1.00 PER PAGE
RESEARCH FEE	\$50.00 MINIMUM FEE PLUS ANY ADDITIONAL COSTS BILLED TO CITY OVER MINIMUM
CITY MAPS-COUNTY PROVIDED (IF CURRENT)	\$2
CITY MAPS - 11 X 17	\$5
CITY MAPS - 36 X 36	\$10
VIDEOTAPE COPY OF MEETING	\$10
RETURNED CHECK CHARGE	\$30
ELECTION FILING FEE	\$5
GARBAGE HAULER'S LICENSE	\$300
CIGARETTE VENDOR LICENSE	\$300
STRAY ANIMAL PICKUP FEE: 8:00 A.M. - 7:00 P.M.	contracted
STRAY ANIMAL PICKUP FEE: 7:00 P.M. - 8:00 A.M.	contracted
ANIMAL BOARDING FEE	contracted
POTENTIALLY DANGEROUS DOG REGISTRATION	\$250
DANGEROUS DOG REGISTRATION	\$500
KENNEL LICENSE APPLICATION FEE	\$150
KENNEL LICENSE ANNUAL FEE	\$50
CEMETERY PLOTS	\$800
SUMMER PLOT DIGGING	\$600
WINTER PLOT DIGGING (NOVEMBER 1 THRU MAY 1)	\$800
SUMMER CREMATION PLOT DIGGING	\$300
WINTER CREMATION PLOT DIGGING (NOVEMBER 1 THRU MAY 1)	\$400
ADDITIONAL DIGGING FEE, IF AFTER HOURS	\$100
(AFTER 3:00 MONDAY - FRIDAY, ALL SATURDAYS, SUNDAYS & HOLIDAYS)	
MARKER SETTING FEE	\$50
LIQUOR LICENSES:	
3.2 LIQUOR ON SALE	\$250
3.2 LIQUOR OFF SALE	\$150
LIQUOR ON SALE	\$3,500
LIQUOR OFF SALE***	\$380
SUNDAY LIQUOR SALE	\$200
CATERER'S LICENSE	\$20
LICENSEE INVESTIGATION FEE	\$300
MESSAGE ESTABLISHMENT LICENSE	
INITIAL FEE	\$200
ANNUAL RENEWAL FEE	\$100
LICENSEE INVESTIGATION FEE	\$300
MESSAGE THERAPIST LICENSE	
INITIAL FEE	\$100
ANNUAL RENEWAL FEE	\$100
LICENSEE INVESTIGATION FEE	\$300

PAWNBROKER/SECONDHAND GOODS DEALER	\$5,000 ANNUAL FEE
DEALER INVESTIGATION FEE	\$3,000
TRANSACTION FEE	\$5 PER TRANSACTION
TRANSIENT MERCHANT LICENSE	\$500 ANNUAL/\$250 60 DAYS
PEDDLER LICENSE	\$1,000 ANNUAL/IF CITED FOR OPERATING WITHOUT A LICENSE \$1,000 ADDITIONAL
APPLICATION INVESTIGATION FEE	\$50 PER PERSON/ MINIMUM \$150
SEXUALLY ORIENTED BUSINESS LICENSE	\$10,000
LICENSEE INVESTIGATION FEE	\$3,000
VEHICLE DEALER LICENSE	\$350 ANNUAL FEE
RIGHT OF WAY ACCESS FEE	\$300
NUISANCE ABATEMENT	\$150 OR 25% OF ACTUAL COSTS, WHICHEVER IS GREATER + ACTUAL COSTS
TAX CERTIFICATION OF NUISANCE ABATEMENT	\$70

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(c) The fee set by the jurisdiction issuing the license shall be reduced by \$100 if the following conditions are met:

- (1) the licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;
- (2) the licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and
- (3) a cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check.

## PLANNING AND ZONING:

CONSULTING FEES	ACTUAL COSTS BILLED TO THE CITY; ENGINEERING, LEGAL, ETC.
VARIANCE	\$500 + CONSULTING FEES
CONDITIONAL USE PERMIT	\$1,000 + CONSULTING FEES
CONDITIONAL USE PERMIT AMENDMENT	\$1,000 + CONSULTING FEES
COUNTY FILING FEE REIMBURSEMENT	\$55
VACATION	\$1,000 + CONSULTING FEES
INTERIM USE PERMIT	\$300 + CONSULTING FEES
INTERIM USE PERMIT AMENDMENT	\$300 + CONSULTING FEES
METES AND BOUNDS SPLIT	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
LOT SEPARATION	\$200 + CONSULTING FEES; \$500 ESCROW REQUIRED
SITE PLAN REVIEW	\$1,000 ESCROW REQUIRED
CONCEPT PLAN REVIEW	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
PRELIMINARY PLAT	\$500 + \$25.00/lot + CONSULTING FEES
ESCROW	\$3,000
FINAL PLAT	\$300 + CONSULTING FEES
ESCROW	\$3,000 + \$50/LOT IF NEW ROAD
PLANNED UNIT DEVELOPMENT	\$1,000 ESCROW REQUIRED
PLANNED UNIT DEVELOPMENT AMENDMENT	\$500 ESCROW REQUIRED
ADMINISTRATIVE SUBDIVISION	\$1,000 ESCROW REQUIRED
REZONING	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
COMPREHENSIVE PLAN AMENDMENT	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
ZONING TEXT AMENDMENT	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
PERMANENT SIGN PERMIT	CALCULATED BASED ON IMPROVEMENT VALUATION
TEMPORARY SIGN PERMIT - BEFORE SIGN PLACEMENT	\$40
TEMPORARY SIGN PERMIT - AFTER SIGN PLACEMENT	\$80
ADVISORY SIGNAGE RENTAL	USAGE FEE - \$125; DEPOSIT OF \$650 REQUIRED
OUTDOOR ENTERTAINMENT PERMIT	\$150
PARK DEDICATION	
RESIDENTIAL	UP TO 6 UNITS/ACRE: 10% OF LAND OR CASH = TO MARKET VALUE OF LAND; 6 OR MORE UNITS/ACRE: 10% OF LAND + 1% FOR EACH UNIT OVER 6 UNITS/ACRE OR CASH = TO MARKET VALUE OF LAND
COMMERCIAL	5% OF LAND OR CASH = TO MARKET VALUE OF LAND
GRADING PERMIT	\$50 + CONSULTING FEES
ESCROW	\$500
LANDSCAPE PLAN ESCROW	125% OF THE APPROVED ESTIMATED LANDSCAPING COSTS
STREET SIGN	\$150
CERTIFICATE OF COMPLIANCE - TEMP/SEASONAL SALES	\$150
COMPREHENSIVE PLAN DOCUMENT	\$40
ZONING ORDINANCE DOCUMENT	\$40

**BUILDING FEES:**

BUILDING PERMIT	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FINE FOR FAILING TO OBTAIN REQUIRED PERMIT	EQUAL TO THE CALCULATED PERMIT FEE AMOUNT
PLAN CHECK	65% OF BUILDING PERMIT FEE
SPRINKLER INSTALLATIONS	
RESIDENTIAL	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
COMMERCIAL	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FIRE ALARM	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
MECHANICAL PERMIT	\$50 OR 1% OF VALUATION, WHICHEVER IS GREATER
PLUMBING PERMIT	\$50 OR \$5 PER OPENING, WHICHEVER IS GREATER
SIDING PERMIT	\$80
WINDOW PERMIT	\$50
ROOFING PERMIT	\$100
CERTIFICATE OF COMPLIANCE - FENCE	\$50
SPECIAL INSPECTIONS - HOURLY RATE	\$50
SEPTIC INSTALLATION PERMIT	\$200
SEPTIC PUMPING PERMIT	\$5
DRIVEWAY PERMIT	\$50
ALL OTHER REQUIRED PERMITS NOT REQUIRING A PLAN REVIEW	\$50
VERIFICATION OF STATE CONTRACTOR LICENSE	\$5
MANUFACTURED HOME INSTALLATION PERMIT	\$100
BUILDING MOVING FEE	\$100
BUILDING DEMOLITION FEE	\$50
RE-INSPECTION/ADMINISTRATIVE FEE	\$65 PER INSPECTION
DECK	\$150

**FIRE DEPARTMENT:**

FIRE RESPONSE REIMBURSEMENTS:	
MOTOR VEHICLE ACCIDENTS	\$300
PUBLIC UTILITY EMERGENCY SERVICE AND HAZARDOUS MATERIAL SPILL OR LEAK:	
LABOR CHARGE	\$15/HOUR
TRUCK CHARGE	\$150/HOUR
COMMERCIAL INSPECTIONS:	
INITIAL & 1ST RE-INSPECTION	NO CHARGE
EACH ADDITIONAL RE-INSPECTION	\$65
FALSE ALARMS - EACH OCCURRENCE	
AFTER 2 FALSE ALARMS WITHIN A CALENDAR YEAR	\$200
TAX CERTIFICATION OF UNPAID FALSE ALARM CHARGES	\$70

**RECREATIONAL FEES:**

## ICE ARENA:

ICE ARENA ICE RENTAL - PRIME TIME	\$180/HR - \$185/HR (THROUGH MARCH 2011)
ICE ARENA ICE RENTAL - NON PRIME TIME	\$155/HR (THROUGH MARCH 2011)
OPEN HOCKEY, PER PERSON	\$7/HR. (THROUGH MARCH 2011)
LOCKER ROOM RENTAL	\$7,500
ADVERTISING	NEGOTIABLE
DRY FLOOR EVENTS	NEGOTIABLE

## PARKS:

PAVILIONS/SHELTERS - NON RESIDENT	\$50; \$100 DEPOSIT
PAVILIONS/SHELTERS - RESIDENT	\$100 DEPOSIT
IRRIGATED BALLFIELDS - NON RESIDENT	\$20; \$100 DEPOSIT
IRRIGATED BALLFIELDS - RESIDENT	\$20; \$100 DEPOSIT

IRRIGATED BALLFIELDS; TOURNAMENT	\$350; \$200 DEPOSIT
NON IRRIGATED BALLFIELDS - NON RESIDENT	\$10; \$100 DEPOSIT
NON IRRIGATED BALLFIELDS - RESIDENT	\$100 DEPOSIT
IRRIGATED SOCCER FIELD	\$100/WEEK; \$100 DEPOSIT
IRRIGATED SOCCER FIELD - TOURNAMENT	\$200; \$200 DEPOSIT
NON IRRIGATED SOCCER FIELD	\$100/WEEK; \$100 DEPOSIT
NON IRRIGATED SOCCER FIELD - TOURNAMENT	\$25; \$100 DEPOSIT
HORSESHOE PITS - LEAGUE SEASON	\$100; \$100 DEPOSIT
HORSESHOE PITS - TOURNAMENT	\$50; \$100 DEPOSIT
CONCESSION STAND; SAA SEASON, MONDAY-FRIDAY	\$1,000
CONCESSION STAND; WEEKEND TOURNAMENTS	\$300; \$300 DEPOSIT
WHISPERING ASPEN COMMUNITY CTR - NON RESIDENT	\$50; \$100 DEPOSIT
WHISPERING ASPEN COMMUNITY CTR - RESIDENT	\$100 DEPOSIT

Adopted by the East Bethel City Council on this 1st day of December, 2010.

CITY OF EAST BETHEL

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Greg Hunter, Mayor

Attest:

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Douglas Sell, City Administrator

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-73**

**RESOLUTION AMENDING THE 2010 BUDGET**

**WHEREAS**, the City Council approved the 2010 General Fund budget on December 2, 2009; and

**WHEREAS**, the 2010 Budget was amended by City Council on May 5, 2010 due to additional loss of \$11,565 in Market Value Homestead Credit Aid; and

**WHEREAS**, during 2010 the City Council authorized expenditures for the services of the Tinklenberg Group and the school house relocation which were initially not a part of the adopted General Fund budget; and

**WHEREAS**, the City Council identified funding sources that allowed for implementation of these General Fund projects; and

**WHEREAS**, the financing agreement with the MN Public Facilities Water Revenue loan was approved by City Council on January 20, 2010 and the loan amortization schedule included a principal and interest payment in 2010 totaling \$680; and

**WHEREAS**, revenues from Whispering Aspen customers for repayment of the Water Revenue loan are recorded in the Water System Access fund and the principal and interest payment are expenses of the 2010A Water Revenue Note fund; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT:** the Budget for 2010 is hereby amended as follows:

<b>GENERAL FUND DEPARTMENT</b>	2010 Amended Budget	2010 Changes	2010 Amended Budget
Mayor/City Council	\$74,860	\$1,000	\$75,860
City Administration	\$188,569	\$0	\$188,569
Elections	\$11,140	\$0	\$11,140
City Clerk	\$87,310	\$0	\$87,310
Finance	\$221,526	\$0	\$221,526
Assessing	\$50,000	\$0	\$50,000
Legal	\$145,000	\$0	\$145,000
Human Resources	\$110,125	\$0	\$110,125
Planning and Zoning	\$206,350	\$0	\$206,350
General Govt Buildings/Plant	\$53,500	\$0	\$53,500
Police	\$1,019,790	\$0	\$1,019,790

Fire Department	\$578,235	\$0	\$578,235
Building Inspection	\$258,397	\$0	\$258,397
Engineering	\$48,000	\$0	\$48,000
Park Maintenance	\$396,321	(\$18,258)	\$378,063
Street Maintenance	\$778,493	\$0	\$778,493
Civic Events	\$5,000	\$0	\$5,000
Risk Management	\$91,225	\$0	\$91,225
Central Services/Supplies	\$89,901	\$0	\$89,901
Transfers Out/Contingency	\$770,938	\$17,258	\$788,196
<b>TOTAL GENERAL FUND</b>	<b>\$5,184,680</b>	<b>\$0</b>	<b>\$5,184,680</b>

	2010	2010	2010
<b>WATER SYSTEM ACCESS FUND</b>	Budget	Changes	Amended Budget
Expenditures:			
Transfer to Non General Fund	\$0	\$700	\$700
<b>TOTAL WATER SYSTEM ACCESS FUND</b>	<b>\$0</b>	<b>\$700</b>	<b>\$700</b>

	2010	2010	2010
<b>2010A WATER REVENUE NOTE FUND</b>	Budget	Changes	Amended Budget
Revenues:			
Transfer from Non General Fund	\$0	\$700	\$700
<b>TOTAL WATER REVENUE NOTE FUND</b>	<b>\$0</b>	<b>\$700</b>	<b>\$700</b>

**BE IT FURTHER RESOLVED THAT:** These amendments will be effective December 1, 2010.

Adopted this 1st day of December, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Greg Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Douglas Sell, City Administrator

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-74**

**RESOLUTION PROVIDING FOR AN INTER-FUND LOAN**

**WHEREAS**, the Recovery Zone Economic Development (RZED) bonds and Build America Bonds (BAB's) sold on November 17, 2010 have a specific limitation on the amount that can be paid from bond proceeds for the Cost of Issuance; and

**WHEREAS**, the limit is 2% of the gross amount of the bonds; and

**WHEREAS**, \$351,300 was provided for in the bond issue for these costs; and

**WHEREAS**, these funds are used to pay the cost of fiscal consulting services, legal opinion, bond rating, underwriters fees and related costs; and

**WHEREAS**, the amount provided for in the bond proceeds is \$240,000 less than the amount necessary to fund the Cost of Issuance charges; and

**WHEREAS**, the Equipment Replacement Fund has sufficient assets to provide for an Inter-Fund Loan to be repaid from future utility revenues; and

**WHEREAS**, it is required that Inter-Fund Loans be documented by resolution.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT:** an Inter-Fund Loan is here by authorized and directed as follows:

1. The principal amount shall be \$240,000.
2. The effective date of the loan shall be December 15, 2010.
3. The source of the loan shall be the Equipment Replacement Fund.
4. Proceeds from the loan shall be placed into the Utility Construction Fund.
5. The loan shall be paid from future utility revenues over a period not to exceed 10 years from the date of the loan.
6. The loan shall not carry any interest charges.

Adopted this 1<sup>st</sup> day of December, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

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Greg Hunter, Mayor

ATTEST:

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Douglas Sell, City Administrator



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 7.0 A.1

\*\*\*\*\*

**Agenda Item:**

IUP Request Our Saviour’s Lutheran Church

\*\*\*\*\*

**Requested Action:**

Consider Approval of an IUP for a Place of Worship in the CC District for Our Saviour’s Lutheran Church

\*\*\*\*\*

**Background Information:**

**Property Owner/Applicant:**

Cynthia Delmonico  
Our Saviour’s Lutheran Church  
19001 Jackson Street NE  
East Bethel, MN

**Property Location:**

1562 and 1644 Viking Blvd. NE  
East Bethel, MN  
PINs: 29-33-23-41-0002  
29-33-23-41-0002

The property owner is requesting an IUP for the continued use of the property located at 1562 and 1644 Viking Blvd. NE, East Bethel, as a place of worship as defined by city code. Place of worship is defined as, “A *building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.*”

Our Saviour’s Lutheran Church used the property on Viking Blvd. as a place of worship for approximately 70 years. About 5½ years ago, a new facility was built at 19001 Jackson Street and worship services moved to the new facility. The property on Viking Blvd. continued to be used for other uses accessory to a place of worship such as a daycare center and food shelf.

In 2007, Zoning Ordinance 203 was approved by City Council. As part of the new zoning code, place of worship was not a permitted use in the City Center District. This resulted in the property owned by Our Saviour’s Lutheran Church on Viking Blvd. to become a legal, non-conforming use.

Minnesota State Statute and East Bethel City Code states that legal non-conforming uses may be continued unless the non-conforming use or occupancy is discontinued for a period of more than one year. It is our understanding that Our Saviour’s Lutheran Church discontinued worship services over five years ago at the Viking Blvd. property. The question was raised if the property could still be used as a place of worship under the current zoning code. The property has been on the market for many years with some interest from other places of worship to purchase the property. Following direction from the City Council and following many conversations with the city’s legal counsel and Our Saviour’s Lutheran Church’s legal counsel, it

was determined that allowing places of worship in the CC District with an IUP would be a viable alternative.

Ordinance 27, Second Series was approved by the City Council at its regular scheduled meeting on November 3, 2010 which allows places of worship in the CC District with an approved IUP.

According to the state building and fire codes, a change in the use or occupancy of an existing facility requires a new Certificate of Occupancy. If the IUP is approved, a Certificate of Occupancy must be issued prior to occupying the existing facility. The Certificate of Occupancy must be issued within one (1) year of new ownership. It is the responsibility of the property owner to contact city staff to schedule inspections with the building and fire departments. Also, required permitting must be obtained prior to any modifications, repairs, etc. to the existing facility.

On November 23, 2010, a public hearing was held at the Planning Commission meeting. Attachment 3 is a draft of the meeting minutes for your review.

\*\*\*\*\*

**Attachment(s):**

- 1. Location Map
- 2. Application
- 3. November 23, 2010 Planning Commission Meeting Minutes - DRAFT

\*\*\*\*\*

**Fiscal Impact:**

None at this time.

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**Recommendation(s):**

Planning Commission recommends approval to the City Council of an IUP that will allow a place of worship in the CC District. The property being located at 1562 and 1644 Viking Blvd., East Bethel, PINs 29-33-23-41-0001 and 29-33-23-41-0002 with the following recommended conditions and the addition of condition #7:

- 1. An Interim Use Permit Agreement must be executed no later than February 1, 2011.
- 2. The property is to be used as a place of worship where persons regularly assemble for religious worship. Regular worship services must be conducted at a minimum of one (1) day per month. Discontinuing regular worship services for more than one (1) year shall terminate the IUP. Regular worship services must be conducted starting one (1) year after the transaction of new ownership takes place.
- 3. Expansion of the place of worship and/or its accessory uses will require a site plan review before the Planning Commission and approved by City Council. Expansion of the uses on the site must meet requirements set forth in city code at the time of the submittal of the site plan review.
- 4. It is the responsibility of the property owner to obtain required permitting from the City of east Bethel prior to modifications, repairs, etc. to the existing structure.
- 5. A Certificate of Occupancy must be issued prior to occupying the existing facility. The existing facility must be inspected by the City of East Bethel Building Safety Department and Fire Department.
- 6. Once a Certificate of Occupancy is issued, the place of worship must submit to city staff detailed documentation of the use of the building for the prior year. This documentation must be submitted by January 31.
- 7. Approved IUP will transfer to new property owners. New property owners will be responsible to meet approved conditions.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

Attachment:

1. Ordinance 28, Second Series, an Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment.

\*\*\*\*\*

**Fiscal Impact:**

Not Applicable

\*\*\*\*\*

**Recommendation(s):**

City staff requests Planning Commission to recommend approval to City Council of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



# CITY OF EAST BETHEL CivicSight Map

### PARCEL INFORMATION:

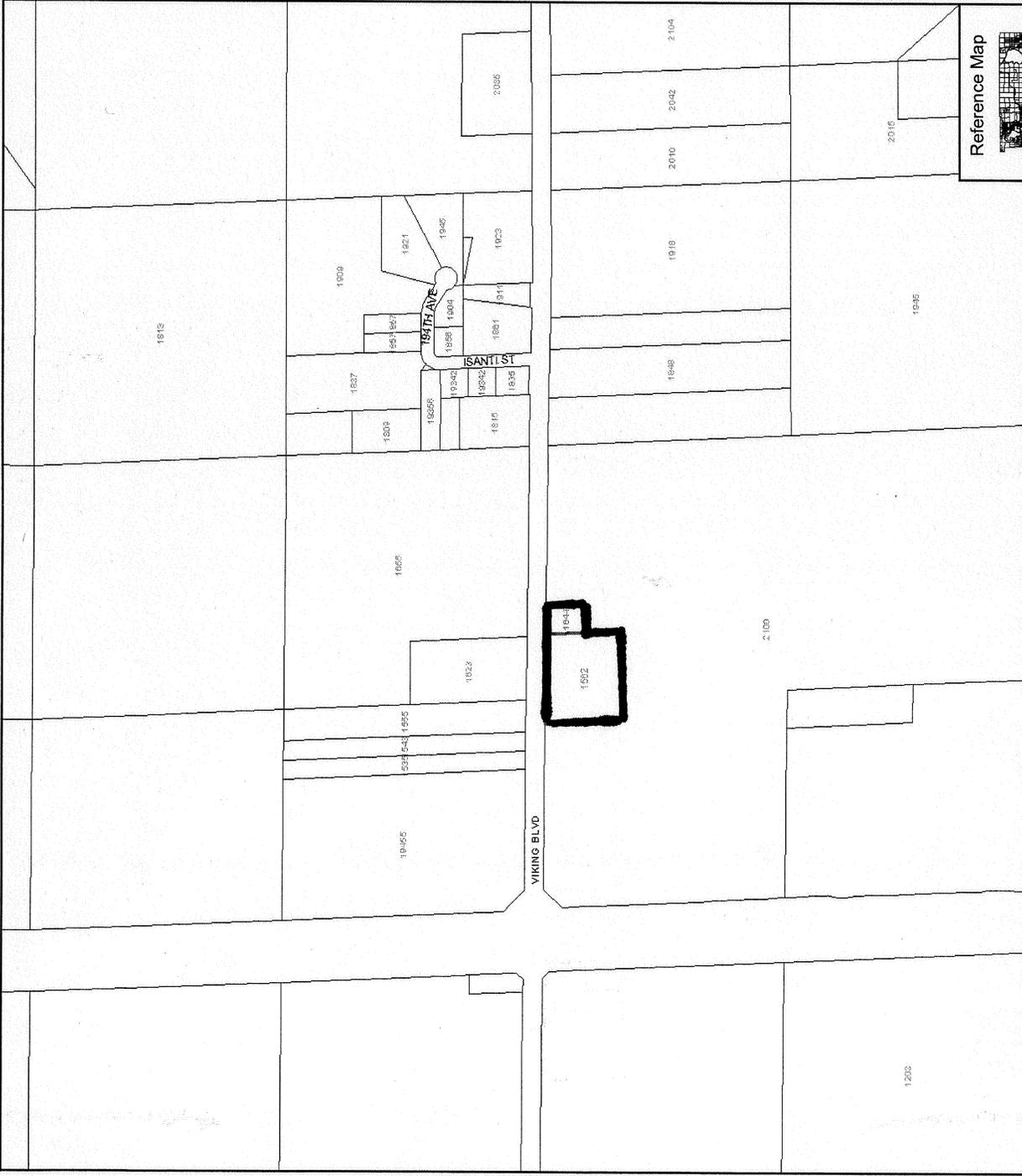
PIN - 293323410002  
 Owner Info:  
 Name 1 - OUR SAVIORS LUTHERAN  
 CHURCH  
 Name 2 -  
 Owner Address - 19001 JACKSON ST NE  
 Owner CSZ - EAST BETHEL, MN 55011  
 Site Address - 1562 VIKING BLVD



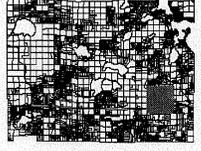
Map Scale: 1 inch = 839 feet  
 Map Date: 11/16/2010  
 Data Date: August 12, 2010

Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:  
 Enter Map Disclaimer Here



Reference Map



Legal Description: UNPLATTED CITY OF EAST BETHEL TH PT OF N1/2 OF SE1/4 OF SEC 19-33-23 DESC AS FOL COM AT A PT ON CTRLINE OF CO RD 22 ROAD WHICH PT IS 125 FT W OF NW COR OF NE1/4 OF SE1/4-TH S PRLL WITH W LINE OF SD NE1/4 OF SE1/4 A DIST OF 466 FT-TH E AT RT ANGLES A DIST OF 466 FT-TH N ON A LINE PRLL WITH W LINE OF SD NE1/4 OF SE1/4 A DIST OF 466 FT MORE OR LESS TO CTR OF CO RD 22 ROAD-TH WLY ALONG SD CTRLINE OF SD RD TO PT OF COM THE ABOVE DESC PROPERTY IS GIVEN FOR USE OF CHURCH PROP ONLY & SHOULD PROPERTY CEASE TO BE USED FOR SAID PURPOSE ALL RTSTITLLE & INT SHALL REVERT TO GRANTORS OR THEIR HEIRS



# LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	11/3/10
By	<i>[Signature]</i>
Fee \$	150 app. fee 300 escrow

Check appropriate box:

- VARIANCE   
  CUP   
  IUP   
  FINAL PLAT  
 BUSINESS CONCEPT PLAN   
  PRELIMINARY PLAN   
  SITE PLAN REVIEW   
  OTHER \_\_\_\_\_

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.

Application is hereby made for Our Saviour's Ministry Center (provide narrative below describing proposed use).

Interim Use Permit allowing property to be used as a place of worship by the next owner of the property.

LOCATION: PID 29-33-23-41-000/29-33-23-41-0002 Legal: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

PROPERTY ADDRESS: 1562 & 1644 VIKING Blvd PRESENT ZONING: \_\_\_\_\_  
E. Bethel, 55011

**PROPERTY OWNER**

CONTACT NAME Our Saviour's Lutheran Church PHONE 763-434-6117  
 ADDRESS 19001 JACKSON ST NE FAX 763-434-0394  
 CITY/STATE/ZIP East Bethel, MN 55011 E-MAIL cindy@oursaviours/c.org

**APPLICANT**

CONTACT NAME Our Saviour's Lutheran Church PHONE 763-434-6117  
 ADDRESS 19001 JACKSON ST NE FAX 763-434-0394  
 CITY/STATE/ZIP East Bethel, MN 55011 E-MAIL cindy@oursaviours/c.org

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

Cynthia A Deemonico  
 Property Owner's Signature

Cynthia Deemonico  
 Printed Name

11/2/10  
 Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>11/3/10</u>	_____	
Planning Commission	<u>11/23/10</u>	_____	
City Council	<u>12/1/10</u>	_____	
_____ 60 Day _____ 120 Day			

Attachment #2

## EAST BETHEL PLANNING COMMISSION MEETING

November 23, 2010

The East Bethel Planning Commission met on November 23, 2010 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Eldon Holmes Julie Moline Lori Pierson Lorraine Bonin  
Heidi Moegerle Glenn Terry

MEMBERS ABSENT: Tim Landborg

ALSO PRESENT: Stephanie Hanson, City Planner  
Steve Voss, City Council Member

### Public Hearing: Interim Use Permit

A request by owner/applicant, Our Savior's Lutheran Church, to obtain an Interim Use Permit to continued use of the property as a worship center. The location being 1562 and 1644 Viking Blvd. NE, East Bethel, MN 55011, PIN 29 33 23 41 0001 and 29 33 23 41 0002. The zoning classification is CC – City Center District.

### Property Owner/Applicant:

Cynthia Delmonico  
Our Saviour's Lutheran Church  
19001 Jackson Street NE  
East Bethel, MN

### Property Location:

1562 and 1644 Viking Blvd. NE  
East Bethel, MN  
PINs: 29-33-23-41-0002  
29-33-23-41-0002

The property owner is requesting an IUP for the continued use of the property located at 1562 and 1644 Viking Blvd. NE, East Bethel, as a place of worship as defined by city code. Place of worship is defined as, “*A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.*”

Our Saviour's Lutheran Church used the property on Viking Blvd. as a place of worship for approximately 70 years. About 5½ years ago, a new facility was built at 19001 Jackson Street and worship services moved to the new facility. The property on Viking Blvd. continued to be used for other uses accessory to a place of worship such as a daycare center and food shelf.

In 2007, Zoning Ordinance 203 was approved by City Council. As part of the new zoning code, place of worship was not a permitted use in the City Center District. This resulted in the property owned by Our Saviour's Lutheran Church on Viking Blvd. to become a legal, non-conforming use.

MN State Statute and East Bethel City Code states that legal non-conforming uses may be continued unless the non-conforming use or occupancy is discontinued for a period of more than one year. Because Our Saviour's Lutheran Church discontinued worship services over five years ago at the Viking Blvd. property, it was questioned if the property could still be used as place of worship. The property has been on the market for sale for many years, with interest from other places of worship to purchase the property. After many

conversations with the city's legal council and Our Saviour's Lutheran Church's legal council, it was determined to allow places of worship in the CC District with an IUP.

Ordinance 27, Second Series was approved by the City Council at its regular scheduled meeting on November 3, 2010, which allows places of worship in the CC District with an approved IUP.

If the IUP is approved, a Certificate of Occupancy must be issued prior to occupying the existing structure. The Certificate of Occupancy must be issued within one (1) year of new ownership. It is the responsibility of the property owner to contact city staff to schedule inspections with the building and fire departments. Also, required permitting must be obtained prior to any modifications, repairs, etc. to the existing structure.

City Staff requests Planning Commission to recommend approval to the City Council of an IUP that will allow a place of worship in the CC District. The property being located at 1562 and 1644 Viking Blvd., East Bethel, PINs 29-33-23-41-0001 and 29-33-23-41-0002 with the following conditions:

1. An Interim Use Permit Agreement must be executed no later than February 1, 2011.
2. The property is to be used as a place of worship where persons regularly assemble for religious worship. Regular worship services must be conducted at a minimum of one (1) day per month. Discontinuing regular worship services for more than one (1) year shall terminate the IUP. Regular worship services must be conducted starting one (1) year after the transaction of new ownership takes place.
3. Expansion of the place of worship and/or its accessory uses will require a site plan review before the Planning Commission and approved by City Council. Expansion of the uses on the site must meet requirements set forth in city code at the time of the submittal of the site plan review.
4. It is the responsibility of the property owner to obtain required permitting from the City of East Bethel prior to modifications, repairs, etc. to the existing structure.
5. A Certificate of Occupancy must be issued prior to occupying the existing facilities. The existing facilities must be inspected by the City of East Bethel Building Safety Department and Fire Department.
6. Once a Certificate of Occupancy is issued, the place of worship must submit to city staff detailed documentation of the use of the building for the prior year. This documentation must be submitted by January 31 of each year.
7. The IUP would transfer with the property to all future owners.

The public hearing was opened at 7:03 p.m.

Sherry Allenspach, 3427 217<sup>th</sup> Avenue NE, East Bethel, MN. She is here to thank the Planning Commission and City Council for everything and answer questions. Our Saviour's was hoping by tonight that there would be a purchase order with the prospective buyer. The new owner would like to take occupancy January 1, 2011.

Holmes asked for clarification about the permit, would it be issued for Our Saviour's. Hanson clarified that it would be for the property. Allenspach said they are aware of the issues with the IUP. Hanson reiterated the IUP would go with the property. Moegerle asked if the IUP was a condition of the sale. Allenspach said yes, it is a condition of the sale. Terry asked if the IUP would need to be applied for by the new owner. Hanson said the IUP would go with the land, the ordinances do not specify that the IUP would be with the land. Allenspach clarified that the new owner wanted to make sure they could use the property for a house of worship.

Hanson said if condition number 2 states they need to have regular worship services on a monthly basis. Once a certificate of occupancy is issued, the owner must show that they have scheduled the days of worship each year. The IUP would eventually terminate if the property owner did not have worship services there. Allenspach said they have had discussions with staff in the event the purchase agreement falls through.

Holmes asked about point number one, he wanted to know if that refers to what we are approving here. Hanson said yes. Moegerle said with the purchase agreement this proposal has been shared with the potential buyer. Allenspach said yes they have been involved in all the discussions. Allenspach also said staff has put in a lot of hard work on this and thanked Hanson for all her hard work.

The public hearing was closed at 7:12 p.m.

Bonin said the IUP goes with the property. Moegerle clarified so the IUP would transfer with the property to the new owner.

**Pierson motioned to recommend approval to City Council the Interim Use Permit that will allow a place of worship in the CC District. The property being located at 1562 and 1644 Viking Blvd., East Bethel, PINs 29-33-23-41-0001 and 29-33-23-41-0002 with the following conditions:**

- 1. An Interim Use Permit Agreement must be executed no later than February 1, 2011.**
- 2. The property is to be used as a place of worship where persons regularly assemble for religious worship. Regular worship services**

**must be conducted at a minimum of one (1) day per month. Discontinuing regular worship services for more than one (1) year shall terminate the IUP. Regular worship services must be conducted starting one (1) year after the transaction of new ownership takes place.**

- 3. Expansion of the place of worship and/or its accessory uses will require a site plan review before the Planning Commission and approved by City Council. Expansion of the uses on the site must meet requirements set forth in city code at the time of the submittal of the site plan review.**
- 4. It is the responsibility of the property owner to obtain required permitting from the City of East Bethel prior to modifications, repairs, etc. to the existing structure.**
- 5. A Certificate of Occupancy must be issued prior to occupying the existing facilities. The existing facilities must be inspected by the City of East Bethel Building Safety Department and Fire Department.**
- 6. Once a Certificate of Occupancy is issued, the place of worship must submit to city staff detailed documentation of the use of the building for the prior year. This documentation must be submitted by January 31 of each year.**
- 7. The IUP would transfer with the property to all future owners.**

**Moegerle seconded; all in favor, motion carries.**

This will be before the City Council on December 1, 2010.



# City of East Bethel City Council Agenda Information

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**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 7.0 A.2

\*\*\*\*\*

**Agenda Item:**

Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code

\*\*\*\*\*

**Requested Action:**

Consider Approving of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code

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**Background Information:**

Planning Commission is proposing several amendments to City Code in Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. Ordinance 28, Second Series has been attached for review. The Planning Commission conducted a public hearing on these proposed changes at the November 23, 2010 Planning Commission meeting. Attachment 2 is a draft of the meeting minutes for City Council to review.

Essential Services-Accessory Structures

The current definition of “essential services” reads, “The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities but not including buildings greater than 120 square feet (emphasis added) necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.” Staff recommended to the Planning Commission that the language “but not including buildings greater than 120 square feet” be eliminated as it is common for accessory facilities associated with essential services to be greater than 120 square feet in size.

Essential Services-Zoning Districts

On October 23, 2010, Planning Commission recommended approval to City Council of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. On November 3, 2010, City Council approved Ordinance 27, Second Series. As part of Ordinance 27, Second Series, Governmental Essential Services, Essential Services are now a permitted use in the City Center zoning district.

With the advancement of municipal utilities, these facilities will likely be part of most all zoning districts, with the exception of the agricultural and rural residential zoning districts. Allowing governmental essential services in the agricultural and rural districts will permit the construction of essential services such as electric, gas, telephone, cable, etc. However, without an amendment

to the City of East Bethel Comprehensive Plan, municipal water and sewer service will not serve these areas.

Ordinance 28, Second Series, will allow Governmental Essential Services as a permitted use in all of the city's zoning districts rather than as a conditional use.

#### Driveway Requirements

At the October 20, 2010 City Council meeting during the public forum portion of the meeting, Mr. Chris Lee expressed his concerns regarding development regulations for driveway access and standards. Current code requires newly created driveways to be constructed of either bituminous or concrete materials extending from the street a minimum of 75 feet. This includes driveways located on unimproved streets. Mr. Lee lives on an unimproved street and is installing a second driveway to access his accessory structure. Mr. Lee questioned why it would be required to hard surface a driveway on an unimproved street. After discussion, City Council directed staff to propose changes to the driveway access and standards. Staff proposed language to the Planning Commission to read:

In all residential zoning districts, driveways located on a paved street require a bituminous or concrete driveway is required in the RR district extending from the street a minimum of seventy-five (75) feet or to the garage apron, whichever is less. Driveway width shall be a minimum of twelve (12) feet wide and cannot exceed twenty-four (24) feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than forty-five (45) miles per hour.

In all residential districts, driveways created on an unimproved street after the adoption of Ordinance 28 are required to meet the paving requirements of this section no later than one (1) year after improvements of the street are completed with either a bituminous and/or concrete surface.

This revised language will permit the delay of construction of a hard surface driveway along unimproved streets but will require the driveway be improved when the street is improved.

#### Modified Business Permissions in B3 District

At the November 3, 2010 City Council meeting – Public Forum, Mr. George Cossette, owner of George's Boat Repair, located at 18611 Highway 65 explained that the property located directly north of his property is for sale. Mr. Cossette is interested in purchasing the property so he can expand the boat repair business (George's Boat Repair has been in operation since the 1970s). According to city code, Mr. Cossette's existing business is no longer a permitted use in the B3 District, therefore, it is a legal non-conforming use. A legal, nonconforming use cannot be expanded, therefore, the zoning code prohibits Mr. Cossette to expand his business.

City Council supported Mr. Cossette's desire to grow his business in East Bethel. Staff was directed to continue working with Mr. Cossette on this issue. Staff proposed an amendment to the Planning Commission to allow conditional uses in the B3 District with the following language: "Retail sales and services – boat sales" and to amend the definition of retail sales and services to allow boat sales that would read:

*"Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles, boats, or open sales lots open sales lots are not included in this category of uses."*

The City Attorney has reviewed the proposed amendments as provided for in Ordinance 28, Second Series. He has indicated that there are no concerns regarding the proposed language.

Ordinance summary will be placed on the December 15, 2010 City Council meeting with the recommendation for direction to publish.

**Attachment(s):**

1. Ordinance 28, Second Series, an Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment.
2. November 23, 2010, DRAFT Planning Commission Meeting Minutes

\*\*\*\*\*

**Fiscal Impact:**

None at this time

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**Recommendation(s):**

Planning Commission recommends approval of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code to include Planning Commission changes to Ordinance 28.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

## ORDINANCE NO. 28, Second Series

### AN ORDINANCE AMENDING APPENDIX A. ZONING, OF THE EAST BETHEL CITY CODE

The City Council of the City of East Bethel ordains:

#### Section 01. GENERAL PROVISIONS OF ADMINISTRATION

##### 9. Definitions

*Essential services:* The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities; **but not including buildings greater than 120 square feet,** necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

*Retail sales and services:* Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles, **boats, or** open sale lots are not included in this category of uses.

#### Section 10. GENERAL DEVELOPMENT REGULATIONS

##### 14. Driveway Access and Standards

###### A. Access Requirements.

- 1) Properties in the R1 and R2 districts are allowed one (1) access point from a public street.
- 2) Properties in the RR and R-X districts are allowed two (2) access points from a public street; however, properties located on Municipal State Aid Streets, major thoroughfares, and major streets are allowed one (1) access point from a public street.

###### B. Surface and Drainage.

- 1) Off-street parking areas and driveways in the R-1, R-2, B-1, B-2, B-3, I, and conditional uses in the RR districts shall be constructed of a bituminous or concrete surface.
- 2) **In all residential zoning districts, driveways located on an improved street require a** bituminous or concrete driveway **is required in the RR district** extending from the street a minimum of seventy-five (75) feet or to the garage apron, whichever is less. Driveway width shall be a minimum of twelve (12) feet wide and cannot exceed twenty-four (24) feet in width at the right-of-way. A turn-around, located

entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than forty-five (45) miles per hour.

- 3) Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.

**4) In all residential districts, driveways created on an unimproved street after the adoption of Ordinance 28 are required to meet the paving requirements of this section no later than one (1) year after subsequent improvements of the street are completed, with either a bituminous and/or concrete surface.**

## **Section 41. AGRICULTURAL DISTRICT (A)**

### **2. Permitted Uses**

- A. Single-family detached dwelling at a maximum density of one (1) unit per ten (10) acres.
- B. Licensed residential facility – serving six (6) or fewer persons.
- C. Agriculture, including crop production, sod farming, nurseries, and horticultural activities.
- D. Animal husbandry, including the raising of livestock, dairy animals, or game animals, and excluding animal feed lots and commercial stockyards.
- E. Raising of poultry, rabbits, or game birds.
- F. Recreation, Public.
- G. Essential Services, Utility Substation.
- H. Essential Services, Government.**

## **Section 42. RURAL RESIDENTIAL DISTRICT (RR)**

### **2. Permitted Uses**

- A. Single-family detached dwelling.
- B. Licensed residential facility - serving six (6) or fewer persons.
- C. Recreation-public.
- D. Agricultural use.
- E. Essential Services, Government.**

#### **4. Conditional Uses**

- A. Places of worship.
- B. Schools.
- C. Cemeteries.
- D. City-sponsored senior housing.

#### **E. Essential Services, Utility Substation.**

### **Section 43. SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)**

#### **2. Permitted Uses**

- A. Single-family Residential.
- B. Licensed Residential Care Facility - serving six (6) or fewer persons.
- C. Recreation – Public.

#### **D. Essential Services – Governmental.**

#### **4. Conditional Uses**

- A. Principal Use.
  - 1) Places of Worship
  - 2) Essential Services, Utility Substations
  - 3) Schools

### **Section 44. SINGLE-FAMILY AND TOWNHOME RESIDENTIAL DISTRICT (R-2)**

#### **2. Permitted Uses**

- A. Single-family Residential Detached.
- B. Single-family Residential Attached – maximum six (6) units per building.
- C. Licensed Residential Care Facility – serving six (6) or fewer persons.

D. Recreation – Public.

**E. Essential Services, Government.**

**4. Conditional Uses**

A. Essential Services, Utility Substations.

B. Place of Worship.

C. School.

D. Hospital Services.

E. Other uses similar to those permitted in this section as determined by the City Council.

**Section 45. LIMITED BUSINESS DISTRICT (B-1)**

**2. Permitted Uses**

A. Retail/Office/Multi-tenant Structure.

B. Convenience Store.

C. Motor Vehicle Service Station (with no minor or major repair facilities).

D. Tavern or Bar.

E. Restaurant (Full Service).

F. Video Store.

G. Retail Sales and Services (conducted completely within structures).

H. Florist, Commercial.

**I. Essential Services, Government.**

**4. Conditional Uses**

A. Day Care Facility – Licensed.

B. Uses having a drive-thru window, except for tavern or bar.

C. Essential Services – Utility Substation.

D. Other uses similar to those permitted in this section as determined by the City Council.

## **SECTION 46. CENTRAL BUSINESS DISTRICT (B-2)**

### **2. Permitted Uses**

- A. Club or Lodge.
- B. Florist, Commercial.
- C. Health/Recreation Facility.
- D. Dwelling, Condominium, when located above the street level floor.
- E. Medical Uses – except for hospitals, long-term inpatient care centers, mobile or transitory medical facilities and laboratories.
- F. Office.
- G. Recreation – Public.
- H. Restaurant – Fast Food and Full Service.
- I. Retail/Office/Multi-tenant Structure.
- J. Retail Sales and Services conducted completely within the structures.
- K. Financial Services.
- L. Tavern or Bar.
- M. Motor Vehicle Service Station (with no minor or major repair facilities).
- N. Essential Services, Government.**

### **4. Conditional Uses**

- A. Essential Services – Utility Substation.
- B. Place of Worship.
- C. Schools.
- D. Drive-thru Services.

- E. Licensed Residential Facility – serving seven (7) or more persons.
- F. Daycare Facility – Licensed.
- G. Exterior storage associated with retail sales and services.
- H. Hotel/Motel.
- I. Funeral Home.
- J. Crematorium.
- K. Veterinary Services.
- L. Bed and Breakfast Inn.
- M. Nursing Home.
- N. Recreation, Commercial.
- O. Other uses similar to those permitted in this section as determined by the City Council.

**SECTION 47. HIGHWAY COMMERCIAL DISTRICT (B-3)**

**Permitted Uses.**

- A. Motor Vehicle Service Station with minor or major repairs.
- B. Club or Lodge.
- C. Day Care Facility, licensed.
- D. Funeral Home.
- E. Garden Supply Stores and Nursery Yards.
- F. Health/Recreation Facility.
- G. Hotel/Motel.
- H. Medical Uses.
- I. Office.
- J. Plant Nursery, Commercial and Wholesale.

- K. Restaurant – Fast Food and Full Service.
- L. Retail /Office/Multi-tenant Structure.
- M. Retail Sales and Services.
- N. School, Specialty.
- O. Tavern or Bar.
- P. Whole Office and Showroom.
- Q. Veterinary Services.
- R. Recreation – Public.
- S. Financial Service.
- T. Essential Services, Government.**

#### **Conditional Uses**

- A. Essential Services – Utility Substations.
- B. Retail Sale and Services – boat sales.**
- C. Residential Care Facility – serving seven (7) or more persons.
- D. Self Service Storage.
- E. Hospital Services.
- F. School.
- G. Place of Worship.
- H. Recreation – Commercial.
- I. Construction Sales and Services.
- J. Agricultural Sales and Services.
- K. Nursing Home.
- L. Research Facility.

- M. Crematorium.
- N. Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.
- O. Exterior storage associated with permitted and conditional uses.

## **SECTION 48. LIGHT INDUSTRIAL DISTRICT (I)**

### **2. Permitted Uses**

- A. Uses allowed in the B-2 and B-3 districts.
- B. Industrial Condominium/Multi-tenant Structure.
- C. Manufacturing.
- D. Medical Science Uses.
- E. Office.
- F. Recreation – Public.
- G. Research Facility.
- H. Warehousing and Distribution.
- I. Wholesaling.
- J. Adult Uses.
- K. Self-Service Storage.
- L. Construction Sales and Service.
- M. Motor Vehicle Service Station with minor or major repairs.
- N. Essential Services, Government.**
- O. Other similar uses to those permitted in this section as determined by the Zoning Administrator.

### **4. Conditional Uses**

- A. Detached Accessory Structure.
- B. Place of Worship.

- C. Daycare Facility – Licensed.
- D. Essential Services – Utility Substations.
- E. Kennel, Commercial.
- F. Commercial and Public Radio and Television Transmission and Public Utility Microwave Antenna.
- G. Residential Care Facility – serving seven (7) or more persons.
- H. Nursing Home.
- I. School, Specialty.
- J. Drive-thru Services.
- K. Recreation – Commercial.
- L. Other similar uses to those permitted in this section as determined by the Planning Commission and City Council.

Adopted by the City Council of the City of East Bethel, Minnesota, this 1st day of December, 2010.

For the City:

ATTEST:

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Greg Hunter, Mayor

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Douglas Sell, City Administrator

Adopted: XXX  
Published: XXX  
Effective: XXX

## EAST BETHEL PLANNING COMMISSION MEETING

November 23, 2010

The East Bethel Planning Commission met on November 23, 2010 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Eldon Holmes Julie Moline Lori Pierson Lorraine Bonin  
Heidi Moegerle Glenn Terry

MEMBERS ABSENT: Tim Landborg

ALSO PRESENT: Stephanie Hanson, City Planner  
Steve Voss, City Council Member

**Public Hearing** to consider adoption of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code which includes amending driveway access and standards, and further defining essential government services.

City staff is proposing amendments to city code as Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. Ordinance 28, Second Series has been attached for review.

The definition of “essential services” reads, “The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities but not including buildings greater than 120 square feet necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.” Staff is proposing to omit the language “but not including buildings greater than 120 square feet” as it is common for accessory facilities associated with essential services to be greater than 120 square feet in size.

On October 23, 2010, Planning Commission recommended approval to City Council of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. On November 3, 2010, City Council approved Ordinance 27, Second Series. As part of Ordinance 27, Second Series, Governmental Essential Services is now a permitted use in the City Center zoning district. Ordinance 28, Second Series will allow Governmental Essential Services as a permitted use in all of the city’s zoning districts rather than as a conditional use.

At the October 20, 2010 City Council meeting – Public Forum, Mr. Chris Lee expressed his concerns regarding development regulations for driveway access and standards. Current code requires newly created driveways to be constructed of either bituminous or concrete materials extending from the street a minimum of 75 feet. This includes driveways located on unimproved streets. Mr. Lee lives on an unimproved street and is installing a second driveway to access his pole barn. Mr. Lee questioned the reason why it would be

Attachment #2

required to hard surface a driveway on an unimproved street. After discussion, City Council directed staff to propose changes to the driveway access and standards; therefore, staff is proposing an amendment that would read:

“In all residential zoning districts, driveways located on a paved street require a bituminous or concrete driveway is required in the RR district extending from the street a minimum of seventy-five (75) feet or to the garage apron, whichever is less. Driveway width shall be a minimum of twelve (12) feet wide and cannot exceed twenty-four (24) feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than forty-five (45) miles per hour.”

“In all residential districts, driveways created on an unimproved street after the adoption of Ordinance 28 are required to meet the paving requirements of this section no later than one (1) year after improvements of the street are completed with either a bituminous and/or concrete surface.”

At the November 3, 2010 City Council meeting – Public Forum, Mr. George Cossette, owner of George’s Boat Repair, located at 18611 Highway 65 explained that the property located directly north of his property is for sale. Mr. Cossette is interested in purchasing the property so he can expand the boat repair business (George’s Boat Repair has been in operation since the 1970s).

According to city code, Mr. Cossette’s existing business is no longer a permitted use in the B3 District; therefore, it is a legal non-conforming use. A legal, nonconforming use cannot be expanded, therefore, the zoning code prohibits Mr. Cossette to expand his business.

City Council supported Mr. Cossette’s desire to grow his business in East Bethel. Staff was directed to continue working with Mr. Cossette on this issue. Staff is proposing an amendment to the conditional uses in the B3 District to allow “retail sales and services – boat sales” and to amend the definition of retail sales and services to allow boat sales which would read:

*“Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles, boats, or open sales lots are not included in this category of uses.”*

The City Attorney has reviewed the proposed amendments. He does not have concerns regarding the proposed language.

City staff requests Planning Commission to recommend approval to City Council of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code.

**The public hearing was opened at 7: 19 p.m. and there was no public comment. Public hearing was closed at 7:19 p.m.**

**First item – Modification of definition of essential services.** Moegerle asked if this was to support the water project. Hanson said it is for all city services.

**Second item – City Center Zoning District.** Moegerle asked if this would allow sewer and water to the agriculture district. Hanson could not comment on that. Moegerle asked if it includes transmission lines. Hanson said no it does not.

**Third item – Driveway change.** Moegerle asked about how the decision at the March 23, 2010 Planning Commission meeting pertaining to Blue Ribbon Disk Golf and this item relate. She stated they are on an unimproved street and they have a parking lot at their location. Should this change also apply to that situation as well. Hanson said Blue Ribbon is a commercial business and they have other issues to deal with such as drainage and parking issues. Staff doesn't see these two items as the same; this is a residential driveway versus a commercial parking lot. Hanson said they haven't come in with their site plan as of yet.

Holmes asked if we change the ordinance and a property owner has their street paved and they have two driveways, what if they couldn't afford to pave the two driveways in one year. Hanson said she didn't know if they would have to pave two driveways; this is for driveways established after the adoption of the code. At a staff level they would need to keep tabs on when the driveways are established. Holmes said residents could put in a driveway without the City knowing. Hanson said residents need a permit to build a driveway, whether it is gravel or bituminous or concrete. Council member Voss said they require driveways to be paved to protect the City street.

Terry wanted to recommend changing the language to “In all residential districts, driveways created on an unimproved street after the adoption of Ordinance 28 are required to meet the paving requirements of this section no later than one (1) year after subsequent improvements of the street are completed, with either a bituminous and/or concrete surface.”

Voss explained to the Commission the whole idea came from a gentleman coming to the City Council meeting and there was an issue he brought forward, why pave a driveway when you are on a dirt road. Some cities would make a resident put the money in escrow for later on down the road. Bonin said once people want a road paved; the City can say once your driveway is paved, we may

pave the street. Moegerle asked why are we saying created after the adoption of this ordinance. Holmes said if the driveway is created after the ordinance is created, then it must be bituminous or concrete.

**Fourth item – Change to B3 District Conditional Use Permit Allowance**

Holmes said he is wondering what the other building would be used for. Hanson said it would be the same business, boat and trailer sales. He would use more of the outdoor yard for storage and sale of boats. Pierson said it would be a good use for that property. It had been Nelson Truck for a long time. Moegerle said in the last line the word “or” needs to be added.

**Terry motioned to approve the changes approved in the ordinance as proposed by staff and discussed during the meeting. Pierson seconded; motion carried 4-2 (Moegerle and Moline voted against).**



# City of East Bethel City Council Agenda Information

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**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 C.1

\*\*\*\*\*

**Agenda Item:**

Resolution 2010-75 Approving Final Budgets for the General Fund, Debt Service Funds, Special Revenue Funds, Capital Project Funds and Proprietary Funds for 2011

\*\*\*\*\*

**Requested Action:**

Consider adopting Resolution 2010-75 setting the final budget amounts for 2011.

\*\*\*\*\*

**Background Information:**

A draft budget was submitted to Council on June 30, 2010. Throughout the summer at three Council meetings, Council discussed various aspects of the 2011 Budget and took input from the public regarding the 2011 Budget. The 2011 preliminary budget was adopted on September 1, 2010. As part of the discussion over this time, Council directed staff to identify additional reductions that could be considered as additional reductions for 2011.

These potential reductions include the following for consideration. These are NOT listed in an order of priority or recommendation. It simply represents a list of options for consideration.

City Council

219-General Operating Supplies

Approved: \$100  
Proposed: \$900  
Increase: \$800

Increase \$800 for scanner for Laserfiche

307-Professional Services

Approved: \$12,100  
Proposed: \$14,800  
Increase: \$ 2,700

Increase \$2,700 for NSAC video streaming agreement of \$1,500 and \$1,200for Laserfiche services and equipment

City Administration

101-Full Time Employees Regular Salaries

Approved: \$144,498

Proposed: \$139,589  
Decrease: \$ 4,909

Decrease \$4,909 to reflect no wage increase as originally provided for in proposed budget and adjustment to compensated absences.

#### 141-Unemployment Compensation Payment

Approved: \$6,370  
Proposed: \$3,091  
Decrease: \$3,279

Decrease \$3,279 to account for additional 13 weeks of unemployment compensation based on payments made for 2009 and most recent Federal regulations regarding eligibility and responsibility.

#### City Clerk

##### 103-Part Time Employees

Approved: \$1,500  
Proposed: \$9,996  
Increase: \$8,496

Increase \$8,496 to account for 2 seasonal employees for 12 weeks for laser fiche scanning project at \$8.85 per hour for 960 hours

##### 125-FICA/Medicare

Approved: \$5,930  
Proposed: \$6,563  
Increase: \$ 633

Increase \$633 to account for 2 seasonal employees

##### 151-W/C Premium

Approved: \$568  
Proposed: \$653  
Increase: \$ 85

Increase \$85 to account for 2 seasonal employees

#### Fire Department

##### 101-Full Time Employees

Approved: \$97,492  
Proposed: \$80,623  
Decrease: \$16,869

Decrease \$16,869 reflecting elimination of Support position

##### 122-PERA Coordinated

Approved: \$1,189  
Proposed: \$ 0  
Decrease: \$1,189

Decrease \$1,189 reflecting elimination of Support position

##### 125-FICA/Medicare

Approved: \$15,747  
Proposed: \$14,457  
Decrease: \$ 1,290

Decrease \$1,290 reflecting elimination of Support position

126-Deferred Compensation

Approved: \$2,492

Proposed: \$2,000

Decrease: \$ 492

Decrease \$492 reflecting elimination of Support position

131-Cafeteria Contribution

Approved: \$17,025

Proposed: \$12,732

Decrease: \$ 4,293

Decrease \$4,293 reflecting elimination of Support position

151-W/C Premium

Approved: \$17,518

Proposed: \$17,374

Decrease: \$ 144

Decrease \$144 reflecting elimination of Support position

#### Street Department

101-Full Time Employees

Approved: \$287,672

Proposed: \$262,894

Decrease: \$ 24,778

Decrease \$24,778 reflecting elimination of Support position

122-PERA Coordinated

Approved: \$21,146

Proposed: \$19,363

Decrease: \$ 1,783

Decrease \$1,783 reflecting elimination of Support position

125-FICA/Medicare

Approved: \$24,282

Proposed: \$22,386

Decrease: \$ 1,896

Decrease \$1,896 reflecting elimination of Support position

126-Deferred Compensation

Approved: \$7,870

Proposed: \$7,132

Decrease: \$ 738

Decrease \$738 reflecting elimination of Support position

131-Cafeteria Contribution

Approved: \$54,735

Proposed: \$48,295

Decrease: \$ 6,440

Decrease \$6,440 reflecting elimination of Support position

#### 151-W/C Premium

Approved: \$22,980  
Proposed: \$22,763  
Decrease: \$ 217

Decrease \$217 reflecting elimination of Support position

#### Transfers Out

##### Bldg Capital Transfers

Approved: \$50,000  
Proposed: \$-0-  
Decrease: \$50,000

This Fund has a residual balance of \$27,000 at year's end, 2010. There are no anticipated expenditures in the foreseeable future that would require funding from this Fund.

##### Street Capital Transfers

Approved: \$425,000  
Proposed: \$400,000  
Decrease: \$ 25,000

The Street CIP provides for \$425,000 in transfers to ensure continuation of street capital improvements to include matching dollars for MnDOT Cooperative Agreement Grants. During 2011, with the approval of the Cooperative Agreement Grant for the construction of the service road on the east side of TH 65, no new matching funds would be necessary for this program during 2011. There will be opportunities during 2012 and beyond for these projects.

#### General Areas

##### Conferences

Conferences Approved: \$4,900  
Conferences Proposed: \$-0-  
Conferences Decrease: \$5,000

This eliminates all conference and training for all Departments, except those funded through the SAFR Grant, for 2011.

##### Travel

Travel Approved: \$1,870  
Travel Proposed: \$-0-  
Travel Decrease: \$1,870

This eliminates all travel for all Departments, except travel funded through the SAFR Grant, for 2011.

#### Employee Furlough

One final item for consideration is furlough for employees. For each day of furlough, the savings are approximately \$6,280. This represents wages, and wage related benefits, for each day employees would be furloughed. It would cut across all departments. If this option is considered, we are suggesting that employees would be given an option as to how the furlough would be applied ranging from a complete day to one hour per period until the eight hours is absorbed. This has NOT been incorporated into any budget additions/reductions as noted above.

These changes to the 2011 Preliminary General Fund budget total \$137,373 resulting in a decrease in expenditures of \$250,145 over the 2010 preliminary budget.

Special levies, levy limits and Market Value Homestead Credit Aid reductions were also discussed at these meetings. The City is allowed to levy lost Market Value Homestead Credit Aid of \$240,497 for 2010 and \$228,932 for 2011. The final budget includes the \$240,497 aid lost in 2010 but does not include lost aid for 2011. The proposed levy for pay 2011 is \$612,495 less than the allowable levy limit.

Budgets for Special Revenue Funds, Capital Project Funds, Enterprise Funds and Internal Service Funds were presented and also discussed by Council at meetings in July, August and September.

Projected expenditures for 2011 are below 2010 adopted levels by 4.81%. The budget resolution presented reflects direction from Council from the budget discussions and the reductions identified above.

Summary

With all the changes noted above, City tax levies would decrease 2.12% from pay 2010 to pay 2011 as expenditures are down reflecting reduced operating expenses.

\*\*\*\*\*

**Fiscal Impact:**

These budgets establish the City's legal level of spending within the respective funds.

\*\*\*\*\*

**Recommendation(s):**

Staff seeks direction on budget reductions and approval of Resolution 2010-75 setting the final budgets for 2011.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



# City of East Bethel City Council Agenda Information

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**Date:**

December 1, 2010

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**Agenda Item Number:**

Item 8.0 C.2

\*\*\*\*\*

**Agenda Item:**

2011 Property Tax Levy

\*\*\*\*\*

**Requested Action:**

Consider approving Resolution 2010-76 setting the final property tax levy amount for 2011.

\*\*\*\*\*

**Background Information:**

General Fund

Council, through discussions at several City Council meetings through out the summer has determined that a property tax levy for 2011 be set such that funds are available to accomplish the goals and objectives Council has identified. To make provisions for these goals and objectives, a General Fund levy of \$4,660,880 is necessary.

Debt Service

To service existing debt, a tax capacity based debt levy of \$109,500 is necessary to make principal and interest payments on the 2008 Sewer Revenue Bonds. Further, a market value based levy of \$144,756 is necessary for principal and interest on the 2005 Public Safety Bonds that were issued for the Fire Station and Weather Warning Sirens projects.

Summary

When the debt service levy of \$254,256 is added to the General Fund levy of \$4,660,880, the total levy amount proposed is \$4,915,136. This represents a zero percent over the 2010 total levy amount. It should be remembered that this levy includes \$240,497 to recoup the Market Value Homestead Credit Aid lost in 2010 but does not include the \$228,932 that the City will lose in 2011.

The lost Market Value Homestead Credit (MVHC) has already been applied to taxpayers' statements for 2010 and will also be applied to 2011 property tax statements. Taxpayers will receive the benefit of this credit while the state will not reimburse the City for this credit as promised.

Impact

According to Anoka County, residential market values overall declined 12%. A residential property with estimated market value of \$250,000 for taxes paid in 2010 will realize, on average, a reduction to \$220,000 in market value for taxes paid 2011. The City's portion of the tax bill for this sample property would decrease \$55.76 or \$4.65 a month from 2010 to 2011.

Expenditures and transfers for the General Fund would decrease by \$250,145 over 2010. This represents a decrease of 4.81%.

Resolution 2010-76 provides for the property tax levy required for the current spending proposed for the General Fund and the debt service requirements of the 2008 Sewer Revenue Bonds and the 2005 Public Safety Bonds.

\*\*\*\*\*

**Fiscal Impact:**

As noted above.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends approval of Resolution 2010-76 setting the final property tax levy for 2011 and direction this resolution be forwarded to the Anoka County Auditor.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-76**

**RESOLUTION APPROVING THE FINAL TAX CAPACITY LEVY AND REFERENDUM  
MARKET VALUE LEVY FOR THE GENERAL FUND AND DEBT SERVICE FUNDS FOR 2011**

**WHEREAS**, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

**WHEREAS**, Minnesota Statutes require that a final levy amount be provided to the Anoka County Auditor on or before December 28, 2010.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the City of East Bethel, Minnesota hereby proposes that a tax is to be levied on all taxable real and personal property within the City of East Bethel for the purpose and sums as follows:

General Fund	\$4,681,345
2008 Sewer Revenue Bonds	\$ 109,500
2005 Public Safety Bonds – Referendum Market Value Levy	<u>\$ 144,756</u>
	<u>\$4,935,601</u>

Adopted this 1<sup>st</sup> day of December, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Greg Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Douglas Sell, City Administrator

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-76**

**RESOLUTION APPROVING THE FINAL TAX CAPACITY LEVY AND REFERENDUM  
MARKET VALUE LEVY FOR THE GENERAL FUND AND DEBT SERVICE FUNDS FOR 2011**

**WHEREAS**, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

**WHEREAS**, Minnesota Statutes require that a final levy amount be provided to the Anoka County Auditor on or before December 28, 2010.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the City of East Bethel, Minnesota hereby proposes that a tax is to be levied on all taxable real and personal property within the City of East Bethel for the purpose and sums as follows:

General Fund	\$4,660,880
2008 Sewer Revenue Bonds	\$ 109,500
2005 Public Safety Bonds – Referendum Market Value Levy	<u>\$ 144,756</u>
	<u>\$4,915,136</u>

Adopted this 1<sup>st</sup> day of December, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

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Greg Hunter, Mayor

ATTEST:

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Douglas Sell, City Administrator



# City of East Bethel City Council Agenda Information

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**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 C.3

\*\*\*\*\*

**Agenda Item:**

EBHRA Resolution 2010-08 Adopting a Final Tax Levy Collectible in 2011

\*\*\*\*\*

**Requested Action:**

Informational Only

\*\*\*\*\*

**Background Information:**

The East Bethel City Council passed enabling Resolution No. 2009-36 establishing the East Bethel Housing and Redevelopment Authority (EBHRA) on May 20, 2009. The EBHRA is a taxing authority independent from the City of East Bethel and is authorized by Minnesota Statute 469.033 to adopt a levy on all taxable property within its area of operation, which is the City of East Bethel, Minnesota.

At the Wednesday, December 1, 2010, EBHRA meeting, a resolution adopting a final tax levy of \$126,058 collectible in 2011 was approved after review of the 2011 EBHRA Budget.

**Attachments:**

- 1. EBHRA Resolution 2010-05 Adopting a Tax Levy Collectible in 2011

\*\*\*\*\*

**Fiscal Impact:**

As noted above.

\*\*\*\*\*

**Recommendation(s):**

Informational only.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required:\_\_\_\_\_

**HOUSING AND REDEVELOPMENT AUTHORITY  
IN AND FOR THE CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA  
HRA RESOLUTION NO. 2010-08**

**RESOLUTION ADOPTING A FINAL TAX LEVY IN 2010 COLLECTIBLE IN 2011**

**WHEREAS**, Minnesota Statutes require that a final levy amount be provided to the Anoka County Auditor on or before December 28, 2010; and

**WHEREAS**, the Housing and Redevelopment Authority in or for the City of East Bethel finds it necessary and in the best interest of the City and the Authority to adopt the General Levy to provide funds necessary to accomplish the goals of the authority for fiscal year 2011.

**NOW THEREFORE, BE IT RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF EAST BETHEL, MINNESOTA THAT:** the following sums of money be levied for the current year, collectible in 2011, upon taxable property in the City of East Bethel.

Housing & Redevelopment Authority General Levy	\$126,058
--	-----------

**BE IT FURTHER RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE ACITY OF EAST BETHEL, MINNESOTA THAT:**

1. The executive director of the Authority is hereby instructed to transmit a certified copy of this Resolution to the Anoka County Auditor.
2. The executive director of the Authority is hereby instructed to transmit a copy of this Resolution to the City of East Bethel City Council.

Adopted this 1<sup>st</sup> day of December, 2010 by the Housing and Redevelopment Authority of the City of East Bethel.

EAST BETHEL HOUSING AND REDEVELOPMENT AUTHORITY

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Bill Boyer, Chair

ATTEST:

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Douglas Sell,  
HRA Executive Director/City Administrator



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 D.1

\*\*\*\*\*

**Agenda Item:**

Resolution 2010-77 Awarding Construction Contract for Well Construction

\*\*\*\*\*

**Requested Action:**

Consider adopting Resolution 2010-77 awarding the bid for well construction.

\*\*\*\*\*

**Background Information:**

On October 6, 2010, the City Council approved plans and specifications for well construction as part of the municipal utilities project for Project 1 Phase One. The notice/advertisement for bids were in the Anoka Union and the Construction Bulletin. Bids were received on November 23, 2010, tabulated and are attached to this write-up.

The engineers estimate for this part of the project was \$450,000.

Resolution 2010-77 provides for the award of the bid based on the competitive bids received on November 23, 2010.

**Attachment(s):**

1. Resolution 2010-77 Awarding Construction Contract for Well Construction
2. Bid Tabulation

\*\*\*\*\*

**Fiscal Impact:**

As identified in the write-up, bid tabulation and resolution.

\*\*\*\*\*

**Recommendation(s):**

Staff seeks direction on the adoption of Resolution 2010-77 Awarding Construction Contract for Well Construction

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-77**

**RESOLUTION AWARDING BID FOR CONSTRUCTION OF MUNICIPAL WELLS**

**WHEREAS**, the City Council, by Resolution 2010-61 adopted on October 20, 2010, approved plans and specifications for construction of municipal wells as part of the City's municipal utility Project 1, Phase One; and

**WHEREAS**, Resolution 2010-61 directs that bids be solicited for these municipal wells; and

**WHEREAS**, bids for these municipal wells were solicited with advertisements in the Anoka Union and the Construction Bulletin; and

**WHEREAS**, bids were received on November 23, 2010 and a bid tabulation is attached to and made part of this resolution.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT:** the construction agreement for construction of municipal wells for Project 1, Phase One is hereby awarded to Traut Wells, Inc in the amount of \$336,875

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT:** the Mayor and City Administrator are hereby authorized and directed to fully execute the construction agreement and that the notice to proceed be issued upon receipt of all necessary insurance, bonding, permits and other related contract requirements.

Adopted this 1<sup>st</sup> day of December, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Greg Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Douglas Sell, City Administrator

**CITY OF EAST BETHEL  
PRODUCTION WELLS  
BID DATE: NOVEMBER 23, 11:00 A.M.**

<b>CONTRACTOR</b>	<b>TOTAL AMOUNT BID Well 1</b>	<b>TOTAL AMOUNT BID Well 2</b>	<b>TOTAL AMOUNT BID</b>
Traut Wells	\$176,790.00	\$160,085.00	\$336,875.00
Bergerson Caswell	\$189,900.00	\$162,200.00	\$352,100.00
Keys Well Drilling	\$198,475.00	\$171,725.00	\$370,200.00
E.H. Renner & Sons	\$209,423.00	\$185,483.00	\$394,906.00

Total Number of Bidders: 4

Attachment #2



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 D.2

\*\*\*\*\*

**Agenda Item:**

Resolution 2010-78 Awarding Construction Contract for Water Tower Construction

\*\*\*\*\*

**Requested Action:**

Consider adopting Resolution 2010-78 awarding the bid for water tower construction.

\*\*\*\*\*

**Background Information:**

On October 6, 2010, the City Council approved plans and specifications for a water tower facility as part of the municipal utilities project for Project 1 Phase One. The notice/advertisement for bids were in the Anoka Union and the Construction Bulletin. Bids were received on November 23, 2010, tabulated and are attached to this write-up.

The engineers estimate for this part of the project was \$963,000.

Resolution 2010-78 provides for the award of the bid based on the competitive bids received on November 23, 2010.

**Attachment(s):**

1. Resolution 2010-78 Awarding Construction Contract for Water Tower Construction
2. Bid Tabulation

\*\*\*\*\*

**Fiscal Impact:**

As identified in the write-up, bid tabulation and resolution.

\*\*\*\*\*

**Recommendation(s):**

Staff seeks direction on the adoption of Resolution 2010-78 Awarding Construction Contract for Water Tower Construction

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

---

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-78**

**RESOLUTION AWARDING BID FOR CONSTRUCTION OF A MUNICIPAL WATER  
TOWER**

**WHEREAS**, the City Council, by Resolution 2010-61 adopted on October 20, 2010, approved plans and specifications for construction of a municipal water tower as part of the City's municipal utility Project 1, Phase One; and

**WHEREAS**, Resolution 2010-61 directs that bids be solicited for this municipal water tower; and

**WHEREAS**, bids for this municipal water tower were solicited with advertisements in the Anoka Union and the Construction Bulletin; and

**WHEREAS**, bids were received on November 23, 2010 and a bid tabulation is attached to and made part of this resolution.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT:** the construction agreement for construction of a municipal water tower for Project 1, Phase One is hereby awarded to Caldwell Tanks, Inc in the amount of \$1,072,000.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT:** the Mayor and City Administrator are hereby authorized and directed to fully execute the construction agreement and that the notice to proceed be issued upon receipt of all necessary insurance, bonding, permits and other related contract requirements.

Adopted this 1<sup>st</sup> day of December, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Greg Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Douglas Sell, City Administrator

**CITY OF EAST BETHEL**  
**500,000 GALLON ELEVATED WATER TOWER**  
**BID DATE: NOVEMBER 23, 1:00 P.M.**

<b>CONTRACTOR</b>	<b>TOTAL AMOUNT BID</b>
Caldwell Tanks	\$1,072,000.00
Phoenix Fabricators & Erectors, Inc.	\$1,085,551.00
Maguire Iron	\$1,096,000.00
CB&I, Inc.	\$1,134,000.00
General Construction	\$1,194,000.00

Total Number of Bidders:                      5



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 D.3

\*\*\*\*\*

**Agenda Item:**

Resolution 2010-79 Rejecting All Bids for the Water Treatment Plant

\*\*\*\*\*

**Requested Action:**

Consider adopting Resolution 2010-79 rejecting all bids for the water treatment plant construction.

\*\*\*\*\*

**Background Information:**

On October 6, 2010, the City Council approved plans and specifications for a water treatment facility as part of the municipal utilities project for Project 1 Phase One. The notice/advertisement for bids were in the Anoka Union and the Construction Bulletin. Bids were received on November 23, 2010, tabulated and are attached to this write-up.

Bids were received and the bid tabulation is attached. Bids were in excess of the anticipated project costs. During the plans and specifications phase of the project, over sizing of a number of features including holding tanks, electrical service and related panels, process control hardware and software and structures for the potential Reverse Osmosis facility were included. These features are simply not necessary at this time to move forward with the facility to serve the City's needs. The engineer is recommending that the bids be rejected, that modified plans and specifications be developed and that new bids be taken for the downsized facility to meet current City needs.

Resolution 2010-79 provides for the rejection of the bids for the facility as originally proposed and direction to develop revised plans and direction to advertise the revised specifications with bids to be received by December 14, 2010 for consideration at the December 15, 2010 City Council meeting.

Mr. Kreg Schmidt will be present to respond to any questions City Council may have regarding the revised schedule.

**Attachment(s):**

1. Resolution 2010-79 Rejecting All Bids for the Water Treatment Plant
2. Bid Tabulation
3. Letter Engineer-Recommendation to Reject Bids

\*\*\*\*\*

**Fiscal Impact:**

As identified in the write-up, bid tabulation and resolution.

\*\*\*\*\*

**Recommendation(s):**

Staff seeks direction on the adoption of Resolution 2010-79 Rejecting All Bids for the Water Treatment Plant, Directing Revised Specifications and Directing Advertising for Bids

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2010-79**

**RESOLUTION REJECTING ALL BIDS FOR CONSTRUCTION OF A MUNICIPAL  
WATER TREATMENT FACILITY, DIRECTING PLANS BE PREPARED  
MODIFYING THE SCOPE OF THE PROJECT AND DIRECTION TO ADVERTISE  
REVISED PLANS**

**WHEREAS**, the City Council, by Resolution 2010-61 adopted on October 20, 2010, approved plans and specifications for construction of a municipal water treatment facility part of the City's municipal utility Project 1, Phase One; and

**WHEREAS**, bids received in response to the advertisement exceeded expectations; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT:** all bids received of the construction of a municipal water treatment facility for Project 1, Phase One are hereby rejected.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT:** the Engineer is hereby directed to revise the plans and specifications to reflect the downsized project by reducing the elements designed for future expansion.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT:** the revised plans and specifications be advertised for a period of 10 days with bids received no later than December 14, 2010.

Adopted this 1<sup>st</sup> day of December, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Greg Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Douglas Sell, City Administrator

Attachment #1

**CITY OF EAST BETHEL  
WATER TREATMENT FACILITY  
BID DATE: NOVEMBER 23, 2:00 P.M.**

<b>CONTRACTOR</b>	<b>BASE BID</b>	<b>ADD ITEM NO 1 (R/O EQUIPMENT)</b>
Staab Construction	\$8,028,000.00	\$970,000.00
Municipal Builders, Inc.	\$8,110,000.00	\$1,100,000.00
Di-Mar Construction	\$8,124,000.00	\$996,000.00
Rice Lake Contracting	\$8,281,000.00	\$980,000.00
Gridor Construction	\$8,397,000.00	\$994,000.00

Total Number of Bidders: 5

Attachment #2



# BOLTON & MENK, INC.®

## Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172  
Phone (952) 448-8838 • Fax (952) 448-8805  
www.bolton-menk.com

November 23, 2010

City of East Bethel  
Attn: Mr. Douglas Sell  
2241 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

RE: Phase I, Project 1 Water Treatment Facility

Honorable Mayor and City Council Members:

Enclosed, please find a tabulation of bids received for the above referenced project on November 23, 2010. A total of 5 bids were received ranging from a low bid of \$8,028,000 to a high bid of \$8,397,000.

An Add Item was included in the bid which contained a portion of reverse osmosis equipment that was being considered for inclusion in the facility if it was cost effective to do so.

All of the bids submitted exceeded the budget range established for this portion of the project. The base bid included several components that are necessary for the future addition of reverse osmosis softening including but not limited to tankage, piping, electrical components, building space, etc. These items were included to facilitate a less complicated addition of the reverse osmosis process. Based on budget constraints, it is not feasible to include these components at this time.

We are in the process of making the necessary material changes to the plans and specifications to eliminate the aforementioned components. Said changes include but are not limited to the elimination of the R/O Skid Building, R/O Reject Water Tank, a portion of Backwash Reclaim Tank and Filtered Water Clear Well, R/O Blending Water Channel and Blended Water Reservoir, Wash Water and Sludge pumps for Reclaim Tankage, and the reduction in size or scope of the Pump Gallery, Chemical Feed Area, Electrical System Components, and SCADA System components related to the elimination of R/O systems, etc.

We recommend rejecting all bids and rebidding the revised plan set.

Respectfully Submitted,

Kreg J. Schmidt  
BOLTON & MENK, INC.

F:\EBET\C12100028\Correspondence\WTF Award Letter Revised.doc

*DESIGNING FOR A BETTER TOMORROW*  
Bolton & Menk is an equal opportunity employer

Attachment #3



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 1, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 G.1

\*\*\*\*\*

**Agenda Item:**

Employment Agreements

\*\*\*\*\*

**Requested Action:**

Consider Employment Agreements

\*\*\*\*\*

**Background Information:**

A proposed Employment Agreement between the City and the City Administrator has been included with this item. This agreement reduces to writing the basic verbal understanding between the parties. The Agreement provides for a wage freeze for the duration of the agreement at the 2009 level. Contributions for insurance and their treatment are consistent with the amounts provided to other employees that will decrease for 2011. Vacation, sick leave and other time off are consistent with practices and policies for other management/supervisory employees.

The second Agreement provides for all City Employees not currently covered by a labor agreement. This would include all managerial, supervisory and confidential employees. The provisions of this agreement following current practices and polices and is now reduced to writing. This type of agreement is common in a large number of cities, counties and particularly school districts for managerial employees.

Both Agreements are for a one year period beginning January 1, 2011. Council tabled consideration at the November 17, 2010.

The City Attorney reviewed the proposed agreements and made minor modifications. The Agreements before you have incorporated these suggestions.

**Attachment(s):**

1. Employment Agreement – City and City Administrator
2. Employment Agreement – City and City Employees

\*\*\*\*\*

**Fiscal Impact:**

All financial implications and provisions within these agreements are provided for in the City's budget for 2011.

\*\*\*\*\*

**Recommendation(s):**

Staff is asking Council to consider approving these Employment Agreements.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

---

---

---

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

## EMPLOYMENT AGREEMENT

This Agreement made and entered into this 1<sup>st</sup> day December, 2010 by and between the City of East Bethel, Minnesota (hereinafter the “City”) and Douglas Sell, hereinafter the “City Administrator.”

WHEREAS, the City Council expressed an interest in and did employ Douglas Sell as the City Administrator in accordance with City Code effective January, 2004; and

WHEREAS, Douglas Sell accepted the appointment to the position of City Administrator of the City of East Bethel; and

WHEREAS, during the course of the initial term of his employment, the City Administrator has had a positive impact on the community, its operations and activities through his application of knowledge, skills and abilities as they relate to municipal and enterprise functions; and

WHEREAS, these actions have resulted in many enhanced or significantly positive outcomes to include but not limited to an upgraded bond rating, recognized accounting and financial reporting, detailed budgets, transparent five year capital project programs, increased citizen involvement, enhanced communications, vastly improved technology, advanced grant identification and application processes and countless other improvements that streamline operations, incorporate required legal and administrative processes and implemented business practices savings thousands of dollars and/or increasing grant funds flowing to the City; and

WHEREAS, it is understood and agreed by the City that during the term of this agreement his technical, managerial and leadership skills will be required to ensure a smooth process for any number of projects to include but not limited to capital improvement projects, debt management and municipal operations.

NOW, THEREFORE, the City and City Administrator enter into this Agreement as follows.

1. Duties. The duties of the City Administrator shall be in accordance with City Code, Section 2-265 of the City of East Bethel as follows:

The City Administrator shall be the Chief Executive Officer for the City and the head of the administrative branch of the City government. The City Administrator shall be responsible to the City Council for the proper administration of all affairs of the city and to that end he shall have power and shall be required to:

(a) Recommend for appointment and, when necessary for the good of the service, recommend for removal all officers and employees of the City;

(b) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;

(c) Prepare and submit to the Council as of the end of the fiscal year a complete report with audit opinion on the finances of the City for the preceding year;

(d) Keep the Council advised of the future needs of the City and make such recommendations as may be advantageous to the City;

(e) Perform such other duties as may be prescribed by the City Code, Section 2-261 through Section 2-269 of him by the council, not inconsistent with this ordinance or state statute. The City Administrator shall not be required and shall not be held responsible for failing to take actions that are contrary to law, unethical or immoral.

2. Term. The term of the City Administrator shall be from and after the date of adoption by the City Council through and including December 31, 2011 subject to the following:

(a) The city administrator may be removed from office only by a 75% majority of the full City Council for "Just Cause." "Just Cause," for the purposes of this agreement, is limited to and defined as misappropriation or embezzlement of city assets or funds as demonstrated by a conviction in a court of jurisdiction; an intentional breach of the provisions of this agreement that causes harm to the city as found by a court of jurisdiction; or, his incapacity to serve by virtue of mental illness as determined by a mental health professional. Termination may not be a result of any reorganization by the City that effectively eliminates the position of City Administrator. The City Administrator is not subject to lay-off, reduction in force (RIF) reduction in grade (RIG), reduction in pay or furlough from the City during the term of this Agreement unless agreed upon by both parties.

(b) Any discharge under provision (a) must be preceded with written notice of the charges and allegations to the City Administrator at least thirty days in advance of any action to terminate by the City Council for Just Cause. Such notice containing charges and allegations must be provided to the City Administrator along with the written notice of his right to an appeal hearing before the City Council. Any request for a hearing must be made within ten working days of receipt of said written charges and allegations. The hearing must be no sooner than 30 calendar days or no later than 90 calendar days after a request for such a hearing. The hearing may be opened or closed as determined by the City Administrator pursuant to Minnesota Statutes.

(c) Should Employee be terminated by the City Council without "Just Cause," the City hereby agrees to retain and maintain, at a minimum, the City Administrator on the city's payroll with full pay and benefits as provided for in this Agreement until June 30, 2012.

(d) The City and City Administrator hereby agree that at least 90 prior to the end of this Agreement that both parties will meet and discuss, in good faith, a contract extension.

3. Salary. The City agrees to pay City Administrator for his services rendered an amount identified in the City's Annual Pay Plan that is fixed at the 2009 rate for the term

of this agreement. In addition, the City will pay to the City Administrator an amount equal to the amount contributed to a cafeteria plan for all other employees and shall treat this sum as additional Special Pay as per the letter offer of employment.

4. Dues, Subscriptions and Professional Associations and Expenses. The City agrees to pay for membership expenses of the City Administrator in the International City Manager Association and for such other professional dues and subscriptions as may be approved by the City Council.

5. Health and Dental Insurance. The City will offer no health and dental insurance to or on behalf of the City Administrator.

6. Life, Short and Long Term Disability Insurance. The City shall provide to the City Administrator and pay for a basic \$50,000 Life Insurance, Short Term Disability Insurance and Long Term Disability Insurance Policies in the same manner as provided to any other employee of the City.

7. Pension Plan. The City is a municipality defined in Minnesota State Statutes, Chapter 475, as a Public Employee Retirement Association (PERA) participating municipality. As such, the City Administrator is permitted and hereby elects to participate in the PERA retirement program the same as any other City employee. The City Administrator shall be awarded \$6,500.00 annually towards an IRS approved 457 Program (Deferred Compensation) in addition to any other pension contributions.

8. Vacation and Sick Leave. Employee shall accrue 1.67 vacation days per month. Sick leave shall accrue at a rate of one day per month. The City Administrator shall be compensated, upon separation from service, for all earned but unused vacation leave to a maximum of 240 hours. The City Administrator shall be compensated, upon separation from service, for all earned but unused sick leave to a maximum of 320 hours. This provision shall not limit the accrual and use of vacation and sick leave in excess of the amounts to be compensated.

9. Other Compensated Time-Off/Work Week. The City Administrator shall be afforded time off in accordance with provisions of the City's Personnel Policies as any other employee. Such absences shall include but not be limited to funeral leave, FMLA and leaves of absence.

It is understood that the time required to perform the duties required of this position will exceed 40 hours per week. The City Administrator will be allowed to adjust his schedule accordingly.

10. Expenses. The City recognizes certain expenses of a non-personal and job associated nature will be incurred by Employee and hereby agrees to reimburse Employee upon submission of an expense voucher, including any required receipts.

11. Voluntary Resignation. In the event the City Administrator voluntarily resigns his position with the City, he shall give the City at least sixty (60) days advance notice. Provisions of Article 8 shall apply to any separation payment(s).

12. Litigation/Attorney's Fees. The City shall be responsible for all costs of mediation and litigation should a dispute arise regarding any provision of this agreement. The forum for any dispute shall be by mediation and, if no resolution, District Court.

13. Indemnification. The City shall defend, save harmless and indemnify City Administrator against any tort, professional liability claim, or damage or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of City Administrator's duties. The City may compromise and settle, without the consent of the City Administrator, if the City feels it is in their best interest to settle the matter. In any event, the City will pay any settlement or judgment and all costs for legal representation.

14. Bonding. The City shall pay the cost of any fidelity or other bonds required of the City Administrator under any law or circumstance.

This Agreement shall become effective December 1, 2010. It is the understanding of the parties hereto that this Agreement is the only agreement between the parties and that all previous agreements, verbal or written, are incorporated herein. Where this agreement may deviate from ordinance or statute, this Agreement is the only document to be considered when evaluating and/or adjudicating a claim by either party. The parties agree that no other agreements, oral or written, otherwise exist. Any changes or modifications to this Agreement must be in writing and executed by both parties. Any section of this Agreement that may be determined to be in violation of statute will not invalidate any other section of this Agreement. The remaining sections of the Agreement will remain in force.

CITY OF EAST BETHEL

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Greg Hunter, Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Douglas Sell, City Administrator

## EMPLOYMENT AGREEMENT

This Agreement made and entered into this 1<sup>st</sup> day of December, 2010 by and between the City of East Bethel, Minnesota (hereinafter the “City”) and City Employees as defined below, hereinafter the “City Employees.”

WHEREAS, the City Council expressed an interest in and did employ City Employees in accordance with City Code; and

WHEREAS, City Employees have been appointed to the positions defined below for the City of East Bethel.

NOW, THEREFORE, the City and City Employees enter into this Agreement as follows.

1. City Employees means all those employees hired into positions not covered by the Teamster’s Local 320 Labor Agreement or other Agreements including all managerial, supervisory and confidential employees as follows:

- a. Assistant City Administrator/Human Resource Director or any position subsequently defined that essentially performs the duties of this position; and
- b. Director of Fiscal and Support Services or any position subsequently defined that essentially performs the duties of this position; and
- c. Public Works Manager or any position subsequently defined that essentially performs the duties of this position; and
- d. Fire Chief or any position subsequently defined that essentially performs the duties of this position; and
- e. City Planner or any position subsequently defined that essentially performs the duties of this position; and
- f. Chief Building Official/Code Enforcement Officer or any position subsequently defined that essentially performs the duties of this position.
- g. Deputy City Clerk or any position subsequently defined that essentially performs the duties of this position.

2. Duties. The duties of these City Employees shall be in accordance with approved position descriptions for each position noted above. City Employees shall not be required and shall not be held responsible for failing to take actions that are contrary to law, unethical or immoral.

3. Term. The term of City Employees shall be from and after the date of adoption by the City Council and continuing until December 31, 2011 or until the employment relationship is terminated pursuant to this agreement subject to the following:

(a) City Employees may be removed from office only by a majority of the full city council for “Just Cause” after 30 calendar day’s written notice. “Just Cause,” for the purposes of this agreement, is limited to and defined as misappropriation or embezzlement of city assets or funds as demonstrated by a conviction in a court of

jurisdiction; an intentional breach of the provisions of this agreement that causes harm to the city as found by a court of jurisdiction; an incapacity to serve by virtue of mental illness as determined by a mental health professional; or termination based on progressive discipline as provided for in the City's Personnel Policies. Termination may not be a result of any reorganization by the City that effectively eliminates these positions.

(b) If any City Employee has served for more than one year, any discharge under this provision must be preceded with written notice of the charges and allegations to the City Employee at least ten days in advance of any action to terminate by the City Council. Such notice containing charges and allegations must be provided to the City Employee along with the written notice of his/her right to an appeal hearing before the City Council. Any request for a hearing must be made within ten working days of receipt of said written charges and allegations. The hearing must be held no sooner than 30 calendar days and no later than 60 calendar days after a request for such a hearing. The hearing may be opened or closed as determined by the City Employee pursuant to Minnesota Statutes. Any Veteran that is a City Employee may also file for a Veteran's Preference determination in accordance Minnesota Statutes.

(c) Should Employee be terminated by the City Council without Just Cause, the City hereby agrees to pay any City Employee an amount equal to six months of salary as a severance payment in addition to any other payments he/she may be entitled to at termination.

(d) City Employees shall devote their full and best efforts to the business and affairs of the City. Except as hereinafter expressly provided, City Employees shall be permitted to accept other part-time employment during the term of this agreement following a written request from the Employee and written permission by the City.

(e) The City and City Employees hereby agree that at least 90 days prior to the end of this Agreement that both parties will meet and discuss, in good faith, a contract extension.

4. Salary. The City agrees to pay City Employees for their services an amount identified in the City's Annual Pay Plan that is fixed at the 2011 rate for the period beginning January 1, 2011 and adjusted annually based on the rate increase calculated on any increase in the U.S. Department of Labor, Bureau of Labor Statistics, Series CUUR0000SA0, U.S. City Average Consumer Price Index – All Urban Consumers table for the twelve (12) month period beginning July 1 and ending June 30 each year of the Agreement. Any COLA increase negotiated for periods subsequent to 2011 shall be subject to a cap of 3.00%.

5. Health and Dental Insurance. The City will offer health and dental insurance to City Employees in the same manner as other employees covered by other labor agreements.

6. Life, Short and Long Term Disability Insurance. The City shall provide to City Employees and pay for a basic \$50,000 Life Insurance, Short Term Disability Insurance

and Long Term Disability Insurance Policies in the same manner as other employees covered by other labor agreements.

7. Pension Plan. The City is a municipality defined in Minnesota State Statutes, Chapter 475, as a Public Employee Retirement Association (PERA) participating municipality. As such, City Employees are required to participate in the PERA retirement. City Employees shall be awarded a match, per pay period, not to exceed 3% of gross salary or \$2,000, whichever is less, annually towards an IRS approved 457 Program (Deferred Compensation) in addition to any other pension contributions.

8. Vacation and Sick Leave. City Employees shall accrue vacation days per the following schedule:

One hundred and four (104) hours for each of one (1) through two (2) years of service.

One hundred and twenty (120) hours for each of three (3) through five (5) years of service.

One hundred and sixty (160) hours for the sixth (6) and each succeeding year of service.

Sick leave shall accrue at a rate of 8 hours per month. City Employees shall be compensated, upon separation from service, for all earned but unused vacation leave to a maximum of 240 hours. City Employees shall be compensated, upon separation from service, for one-half of all earned but unused sick leave to a maximum of 320 hours.

9. Other Compensated Time-Off. City Employees shall be afforded time off in accordance with provisions of the City's Personnel Policies as any other employee. Such absences shall include but not be limited to funeral leave, FMLA and leaves of absence.

10. Voluntary Resignation. In the event the City Employee voluntarily resigns his/her position with the City, he/she shall give the City at least thirty (30) days advance notice. Provisions of Article 8 shall apply to any separation payment(s).

11. Indemnification. The City shall defend, save harmless and indemnify City Employees against any tort, professional liability claim, or damage or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of City Employee's duties. The City may compromise and settle, without the consent of City Employees, if the City feels it is in their best interest to settle the matter. In any event, the City will pay any settlement or judgment and all costs for legal representation.

This Agreement shall become effective December 1, 2010. It is the understanding of the parties hereto that this Agreement is the only agreement between the parties and that all previous agreements, verbal or written, are incorporated herein. Where this agreement may deviate from ordinance or statute, this agreement is the only document to be considered when evaluating and/or adjudicating a claim by either party. The parties agree that no other agreements, oral or written, otherwise exist. Any changes or modifications to this Agreement must be in writing and executed by both parties. Any section of this Agreement that may be determined to be in violation of statute will not

invalidate any other section of this Agreement. The remaining sections of the Agreement will remain in force.

CITY OF EAST BETHEL

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Greg Hunter, Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Assistant City Administrator/Human  
Resource Director

By: \_\_\_\_\_  
Director of Fiscal and Support Services

By: \_\_\_\_\_  
Public Works Manager

By: \_\_\_\_\_  
Fire Chief

By: \_\_\_\_\_  
City Planner

By: \_\_\_\_\_  
Chief Building Official/Code Enforcement  
Officer

By: \_\_\_\_\_  
Deputy City Clerk



# City of East Bethel City Council Agenda Information

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**Date:**

December 1, 2010

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**Agenda Item Number:**

Item 8.0 G.2

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**Agenda Item:**

North Suburbs Access Corporation (NSAC) Video Streaming Service Agreement

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**Requested Action:**

Staff seeks Council direction to enter into an agreement with North Suburbs Access Corporation for Video Streaming Service

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**Background Information:**

The City Council recently directed staff to research options for video streaming of City Council meetings. Currently only residents that subscribe to U.S. Cable can watch the City Council meetings on U.S. Cable Channel 10. City Council meetings are rebroadcast a total of seven (7) times, Sunday through Saturday.

Over the years, staff has been approached by several vendors that offer video streaming. However, it has been cost prohibited and would require a significant amount of time. The City would probably need to invest in additional video equipment.

Staff met with Pat Cook from NSAC and Terre Heiser, City of Roseville IT Manager to discuss video streaming options for the City of East Bethel. NSAC currently provides video streaming capability to a number of municipalities. NSAC can provide the City of East Bethel the option of providing meeting videos in an archived format for internet viewing. Videos are viewed using QuickTime 7 and is free to download.

A link to North Suburbs Access Corporation's website would be added to the City's website. Residents would then be able to view an archived City Council meeting at a time that is convenient for them.

NSAC's software has a feature that will allow the City to apply Indexing to archived meetings (i.e., an agenda with hot links that allow internet viewers to click for instant access to a particular part of the meeting). NSAC will provide operational training to staff, so we can take advantage of these software features.

The monthly costs for Video Steaming Capability are \$120.00 a month for January 1, 2011 through December 31, 2011, \$1,440 annually. The City would also have to make a one time purchase of QuickTime Pro 7 for Windows for \$29.99. This will allow staff to convert the recorded meetings to QuickTime format.

It is anticipated that it would take no more than 30 minutes to format and index the video for internet viewing. The file then would be transferred via the network over to NSAC, where they would catalogue the meeting and make it available online. NSAC can store each meeting video in archived format on NSAC's main streaming server for a period of at least 18 months.

**Attachment(s):**

1. Draft NSAC Video Streaming Service Agreement

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**Fiscal Impact:**

As noted above.

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**Recommendation(s):**

Staff seeks Council direction to enter into an agreement with North Suburbs Access Corporation for Video Streaming Service.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

**VIDEO STREAMING SERVICE AGREEMENT:  
NORTH SUBURBS ACCESS CORPORATION  
CITY OF EAST BETHEL**

North Suburbs Access Corporation (NSAC) and City of East Bethel (Participating Municipality) hereby agree to make NSAC's video streaming capability available to City residents and staff:

- 1. General Purpose of Agreement.** The purpose of this agreement is to afford the City of East Bethel streaming capability through NSAC. NSAC currently provides video streaming capability to municipalities in the North Suburban Cable Commission area, enabling each municipality to video stream public meetings live over the internet, as well to make available those meeting videos in an archived format for internet viewing. NSAC is willing to offer that same capability to the City of East Bethel.
  
- 2. Video Streaming Capability.** NSAC shall provide Video Streaming Capability as follows:
  - A. General Description of Video Streaming Capability Provided.** NSAC's Video Streaming Service includes the technical set-up of hardware and software infrastructure necessary to give a Participating Municipality the capability to video stream its public meetings over the internet, as well to make available those meeting videos in an archived format for internet viewing. Once NSAC has set-up such hardware and software, NSAC will provide operational training to a Participating Municipality's designated streaming operator. A Participating Municipality's streaming operator is then responsible to activate the video steaming system during meeting telecasts. NSAC provides technical support and training, but not actual operation during internet telecasts.
  
  - B. Indexing and Document Links/Attachments Feature.** NSAC's software enables a Participating Municipality to apply Indexing to archived meetings (i.e., an agenda with hot links that allow internet viewers to click for instant access to a particular part of the meeting). NSAC's software also allows a Participating Municipality to attach documents (or document download links) to an archived meeting, thus allowing viewers to have access to the written materials associated with the meeting. NSAC will provide operational training to a Participating Municipality so it can take advantage of these software features if it wishes. Once training is complete, the Member Municipality is responsible for performing Indexing and Document Linking/Attachments.
  
  - C. Viewer Access via Municipal Web Site.** Video Streaming Capability shall allow for internet viewing of live and archived meetings that are accessible via the web site of a Participating. A Participating Municipality is responsible to direct its web master to work with NSAC to accomplish the initial set-up of this.
  
  - D. Archiving Period:** NSAC will store each meeting video in archived format on NSAC's main streaming server for a period of at least 18 months. A Participating Municipality will have electronic administrative access to NSAC's main server and, therefore, will have the option to download archived video during this timeframe. This gives a Participating Municipality the option to download and keep its own copies of meeting videos for any purpose other than video streaming. NSAC's archiving is for streaming purposes only.

**E. Extension of Archiving Period.** A Municipality may request separate pricing from NSAC for the extension of the 18-month archiving period. NSAC will review such requests and provide pricing on a case by case basis.

**F. Technical Support.** NSAC is responsible at all times for the good working order, maintenance, and repair of the video streaming system. NSAC is not responsible for operational errors by the Municipality's designated streaming operator. NSAC shall provide its technical support contact information to each Participating Municipality. End user support will not be provided by NSAC

**G. Monthly Fees.** The monthly costs for Video Steaming Capability are \$120.00/Month

- 3. Initial Term.** The initial term of this agreement is January 1, 2011 through December 31, 2011.
- 4. Automatic Renewal.** Unless City of East Bethel submits a written notice of cancellation on or before August 31 of 2011, this agreement shall renew for an additional 12-month period to December 31, 2011.
- 5. Service and Pricing Guarantees.** NSAC shall offer the pricing identified in item G for the initial 12-month term. NSAC shall also offer the pricing identified in G for the term of an Automatic Renewal unless NSAC provides by July 1, 2011, written notice of any proposed pricing or service adjustment, thus allowing participants to review the proposed adjustment and decided whether or not they want to cancel the Automatic Renewal for another 12-month term.

**CITY OF EAST BETHEL**

**NORTH SUBURBS ACCESS CORPORATION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_